EXAMINING THE MANAGEMENT OF RED SNAPPER FISHING IN THE GULF OF MEXICO

HEARING

BEFORE THE

SUBCOMMITTEE ON
THE INTERIOR, ENERGY, AND ENVIRONMENT
OF THE

COMMITTEE ON OVERSIGHT
AND GOVERNMENT REFORM
HOUSE OF REPRESENTATIVES

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EXAMINING THE MANAGEMENT OF RED SNAPPER FISHING IN THE GULF OF MEXICO

Tuesday, May 2, 2017

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON THE INTERIOR, ENERGY, AND ENVIRONMENT
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, D.C.

The subcommittee met, pursuant to call, at 2:04 p.m., in Room 2154, Rayburn House Office Building, Hon. Blake Farenthold [chairman of the subcommittee] presiding.

Present: Representatives Farenthold, Palmer, Plaskett, and Raskin.

Also Present: Representatives Scott, Palazzo, Weber, Graves, and Byrne.

Mr. FARENTHOLD. The Subcommittee on the Interior, Energy, and Environment of the Committee of Oversight and Government Reform will now come to order.

Without objection, the chair is authorized to declare a recess at any time, which should be happening shortly after they call votes on the floor.

We'll start off with our opening statements, and I'll go first.

So I'd like to wish everyone a good afternoon. Today, the Subcommittee on the Interior, Energy, and the Environment will examine the management of red snapper in the Gulf of Mexico. Red snapper is an essential, yet controversial, resource for the Gulf States. Today, we explore some of the ongoing issues related to red snapper fishing, as well as potential solutions to these problems. We'll also look at the science and data collection associated with managing snapper and take a look at how the National Oceanic and Atmospheric Administration, or NOAA, is doing.

The most significant regulation of red snapper fishing first occurred in the 1980s and 1990s in an effort to conserve a dwindling snapper population. While a significant recovery is well underway, the conservation efforts created snapper quotas in ratios that must be shared among the red snapper fishing sectors.

Like many Americans, I'm a supporter of conserving our environment and natural resources. There's no doubt we have a responsibility to combat overfishing of red snapper and of other species. However, we need to ask if the population data that's being used to determine these fishing quotas is accurate and if we're using sound science. Unfortunately, the answer here may be no. If it were yes, there would not be such large discrepancies between the Federal Government and the Gulf States over catch shares, season

lengths, and snapper ratios. The quality of data from collection to interpretation drives red snapper regulation and industry along the Gulf Coast. Relying on inconsistent data for red snapper population continues to drive potential restrictions on commercial, charter, and recreational fishing in the Gulf of Mexico.

The Federal Government has continuously struggled with managing red snapper in a fair and consistent manner. In the last few years, NOAA has published rules regarding catch estimates that have seemingly see-sawed between favoring commercial anglers' interest rights and recreational anglers' interests. The Federal Government should not be in the business of picking winners and losers. Unfortunately, though, this is what appears to be happening with red snapper fishing. An example from 2007, when the Gulf of Mexico Fishery Management Council implemented an individual fishing quota or catch share program for commercial anglers, this program was designed to provide a steady year-round supply of red snapper that was within the Federal quota. Unfortunately, less than a hundred commercial anglers were allocated shares. This has resulted in a reduction of roughly 800 commercial anglers over the last decade, leaving us only about 400 today. Of those 400, about 50—and I'm using quotes here—"own" approximately 80 percent of the commercial fishery.

We also face extremely short recreational seasons that can all but deny folks access to snapper fishing. Should the weather turn bad or other circumstances arise, the short season would make it impossible for some folks to take advantage and enjoy this resource. And I've got to tell you, some of my fondest childhood memories involve fishing and making sure—and I think we need to be making sure that future generations can enjoy this as well.

Despite these problems, I'm hopeful we can find solutions that are both fair and beneficial for all parties involved in red snapper fishing, and I look forward to hearing suggestions from our panel today.

And at this point, we'll let Ms. Plaskett do her opening statement. They have called votes. So, as soon as she finishes, we'll take a recess and vote and come back and introduce the panel and do questioning.

I now recognize the ranking member.

Ms. PLASKETT. Thank you, Mr. Chairman.

Good afternoon to you all.

And I guess that means I've got to speak really fast now.

Mr. FARENTHOLD. Blessed are the brief.

Ms. PLASKETT. Mr. Chairman, thank you—and thank our witnesses—for holding this important hearing.

I greatly appreciate the opportunity to discuss an issue that does not get the attention it deserves. Federal law has helped save the red snapper. Before 2006, this species, prized by recreational and commercial fishermen alike, faced overfishing, a steep decline in population, and the possibility of extinction. The cooperation between fishermen and regulatory agencies within the framework of the Magnuson-Stevens Fishery Conservation and Management Act has largely brought back the red snapper. It is due to this success that we can hold a hearing today.

Representing a jurisdiction located in the Caribbean, the fishing industry is an important part of our economy, both in the commercial as well as recreational sphere.

However, we do not have the same issues as the Gulf of Mexico because we operate on an annual catch limit as opposed to a quota system, which is set by the National Marine Fisheries for economic exclusive zones. We do not have a formal recreational fishing program, and recreational fishermen are not required to be licensed. However, one of our main issues pertains to sports fishing, mainly sports fishing for marlins in the British Virgin Islands where the British Virgin Islands' government has increased the licensing fee so drastically that it is having a negative impact on our once-thriving sports fishing industry.

Perhaps, Mr. Chairman, we can work together on this issue.

I'm really excited about this hearing because the protection of fish and natural environment and the balance needed for the maintaining of those resources and the needs of recreational and especially commercial fishing should be addressed.

I look forward to hearing from some of those voices today that are here, and I view this hearing as the beginning of a discussion on how we allow greater access to the red snapper fishery while ensuring that this important and still-overfished stock continues to rebuild.

Thank you.

Mr. FARENTHOLD. Thank you.

And it is our intention to reconvene shortly after this vote series concludes. So I would ask the members to return promptly after the vote series. We'll go on—after that, we'll introduce our witnesses, hear their testimony, and go with questions.

I apologize for the delay, but the House voting schedule is about as unpredictable as the weather.

So, with that, the committee stands in recess, subject to the call of the chair.

[Recess.]

Mr. FARENTHOLD. The subcommittee will reconvene. We appreciate y'all waiting as we had the opportunity to go vote.

So we'll get underway with introducing our panel and questioning.

The chair notes the presence of our colleagues Congressman Steven Palazzo of Mississippi, Congressman Austin Scott of Georgia. We've been informed also that Congressmen Randy Weber of Texas and Bradley Byrne of Alabama and Garret Graves of Louisiana plan on attending today. I ask unanimous consent that they be able to participate in today's hearing.

Without objection, so ordered.

And I appreciate you guys' interest in the topic and looking forward to a great hearing.

We have gone ahead—Ms. Plaskett and I have both made our opening statements. So a couple administrative matters: I'm going to be holding the record open for 5 legislative days for any members who'd like to submit a written statement.

Now we'll recognize our panel of witnesses.

I'm pleased to welcome Mr. Earl Comstock, Director of the Office of Policy and Strategic Planning, from the U.S. Department of Commerce.

I'd now like to recognize Congressman Palazzo to introduce our next witness. I believe he's a constituent of his.

Mr. PALAZZO. That it is, Mr. Chairman. And thank you.

And, members of the subcommittee, thank you for allowing me to introduce my constituent, my friend, my former chief of staff, Jaime Miller. As you know, Mr. Miller has been serving as the executive director of the Mississippi Department of Marine Resources since 2013.

A native of Gulfport, Mississippi, Jaime has spent his entire career serving the Gulf Coast community. Jaime has an environmental biology degree with a minor in chemistry from the University of Southern Mississippi and began his career as a coastal ecologist at DMR, the department he now leads. So he has a strong scientific education in marine resources.

What makes Jaime's experience truly unique is that, in between his stints at DMR, Jaime has held positions in Federal, State, and local governments. He has served as a chief of staff, a city manager, and a policy adviser to the former Mississippi Governor following Hurricane Katrina. His scientific education coupled with his practical experience in coastal resources management policy at every governmental level makes him uniquely suited to testify before you today. He is great at his job, but, more importantly, I consider him a great friend.

Jaime, thank you for being here today.

And, again, Mr. Chairman and subcommittee members, I appreciate the opportunity to introduce my constituent.

Mr. FARENTHOLD. Thank you very much, Congressman Palazzo.

I'd also like to welcome Mr. Christopher Brown. He's the president of the Seafood Harvesters of America.

And I have the opportunity to introduce my constituent, Mr. Mark Ray. I am not going to go into nearly as much detail as Mr. Palazzo did. Suffice it to say, he's testifying today both as an interested angler and as vice chairman of the Coastal Conservation Association.

So welcome to you all. Pursuant to committee rules, all witnesses will be sworn in before they testify.

Would you please rise and raise your right hand?

Do you solemnly swear or affirm that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Great. Let the record reflect all witnesses answered in the affirmative.

And y'all may be seated.

In order to allow for discussion, we'd ask that you limit your oral presentation to 5 minutes.

You'll find you have a timer in front of you. The green light means go. The yellow light, much like in traffic, means hurry up, and the red light means you need to stop.

We have your full written testimony for the record.

So we'll get started with Mr. Comstock. You're recognized, sir.

WITNESS STATEMENTS

STATEMENT OF EARL COMSTOCK

Mr. COMSTOCK. Thank you, Mr. Chairman, and members of the committee. It's an honor to be here today representing Secretary Ross and the Department of Commerce and, particularly, the National Oceanic and Atmospheric Administration and the National Marine Fisheries Service.

This hearing here—let me preface this by starting out with an announcement that we came out with today. I think everybody knows, but we're talking about Gulf red snapper. And on that, we announced today that the fishing regulations for the 2017 season would be 3 days for private anglers, 49 days for the charter boats and head boats, with a two fish bag limit and greater than 16 inches.

It really, I think, troubles everyone that we're having to say it's a 3-day season for recreational fishermen out in the Gulf. And I think it brings us right to the heart of what we're hoping that the Department of Commerce, working with you folks, can find a solution to.

I'm here today—just by way of background, let me just say that I spent 10 years working on the other side of the Hill for Senator Ted Stevens, one of the people whom the Magnuson-Stevens Act is named after, and spent a considerable amount of time working on fishery management issues there. So I am familiar with the challenges that come with this. And while I'm not necessarily familiar with the unique circumstances of the Gulf, I do know the range of authorities that are available through Congress.

And one of the points I'd like to make today and stress in my oral testimony here is that really this fishery illustrates exactly the limits of what you can do under the council system when you're dealing with a multistate fishery. And in other circumstances—and I just commend this to the Congress—we have actually enacted separate legislation. For example, the Atlantic Coastal Fisheries Cooperative Management Act—there's also one on the West Coast for Dungeness crab—where Congress has taken the reins and said, "We're going to sort this out," because the challenge that we see here today, and what's represented by this 3-day fishery, is that the focus of the Magnuson-Stevens Fishery Conservation and Management Act is exactly that: it's maintaining, in the long term, our fisheries so that we can maintain our coastal communities and maintain these opportunities for Americans to go out in the easy and fish.

So, if we're going to do that, at the end of the day, you do have to put a priority on conserving the stocks. That is what the act is designed to do. There's been specific legislation in many cases dealing with fishery management solutions in individual areas, including off the State of Alaska, as well as there's—section 407 in the Magnuson Act today dealing with Gulf red snapper.

So this is not a new issue. It's not a unique issue. But the challenge is, right now, the Federal Government, under its management rules, essentially has to act as the safety backstop. So our fishery, the fishery that the Federal Government regulates for the recreational angler in the Gulf, is basically what's left over once

the States have finished with their fishery management. And I know all the States have very competent fishery managers. They're working very hard on these things. But they have to—I'm sorry. This is supposed to be turned off. But, at any rate, they have to basically choose their own regulatory path, and then we have to look at what they've done, take our best guess, and say, "Here's what we think is left over."

So, to conserve the stock and ensure that there's fish going forward in the future, we pick up the residual. And I'm here today to listen to your suggestions and offer whatever advice we can. But the reality is this is a problem that ultimately comes back to Congress, probably, to find a solution to how we're going to allocate and manage amongst these five States that share the Gulf resource.

Thank you very much, and I'll be happy to answer any questions.

[Prepared statement of Mr. Comstock follows:]

WRITTEN TESTIMONY OF

EARL COMSTOCK
DIRECTOR, OFFICE OF POLICY AND STRATEGIC PLANNING
U.S. DEPARTMENT OF COMMERCE

OVERSIGHT HEARING ON
GULF OF MEXICO RED SNAPPER

BEFORE THE
HOUSE OVERSIGHT & GOVERNMENT REFORM COMMITTEE
SUBCOMMITTEE ON THE INTERIOR, ENERGY& ENVIRONMENT

MAY 2, 2017

Introduction

Good morning Chairman and Members of the Subcommittee. I appreciate the opportunity to speak with you today about red snapper management in the Gulf of Mexico. My name is Earl Comstock and I am the Director of the Office of Policy and Strategic Planning in the Office of the Secretary at the Department of Commerce.

From daily weather forecasts, severe storm warnings, and climate monitoring to fishery management, coastal restoration, and supporting marine commerce, NOAA's products and services support economic vitality and affect more than one-third of America's gross domestic product. The Nation's commercial and recreational fisheries contribute more than $200 billion to the Nation's economy and support nearly two million jobs. NOAA is proud of its efforts to rebuild fisheries over the past two decades and remains committed to maintaining healthy stocks, so that the Nation's fisheries provide the maximum benefit to the U.S. economy and its fishing communities now and into the future.

Today, I will provide an overview of the history of red snapper management in the Gulf of Mexico. I will pay particular attention to the ongoing management challenges the Department of Commerce and our partners face in ensuring the benefits of rebuilding efforts in the fishery are equitably distributed between all user groups. Also, I will describe the Gulf of Mexico Fishery Management Council's (Gulf Council) efforts to address these challenges.

Historical Population Trends

Fishermen have harvested red snapper from the Gulf of Mexico since the mid-1800s, more than a century before the fishery management council system and the first federal fishery management measures were established. As early as the late-19th century, fishermen observed localized depletion of red snapper. However, it was not until the mid-1900s when rapid expansion of the fishery resulted in Gulfwide depletion of the population. Following World War II, the commercial fleet increased in size and technological innovations opened up new fishing grounds for harvest. Increased tourism following the war, as well as expanded production of fiberglass boats, led to large increases in recreational landings. At the same time, shrimping effort

increased as new fishing gear was used and new fishing grounds were discovered. The rapid increase in directed harvest, coupled with shrimp trawl bycatch of juvenile red snapper, led to a rapid decline in the population. By 1990, the population was at all-time lows (Figure 1).

History of Red Snapper Management

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; P.L. 94-265) created broad goals for U.S. fisheries management and a unique, highly participatory management structure centered on the Regional Fishery Management Councils. This structure ensures that input and decisions about how to manage U.S. fisheries develop through a "bottom up" process that includes fishermen, other fishery stakeholders, affected states, tribal governments, and the Federal Government. Throughout the Council process, there is significant opportunity for public input, including participating on advisory panels, providing testimony at public hearings, and commenting on Council actions.

The Gulf of Mexico Fishery Management Council (Gulf Council) implemented the first red snapper rebuilding plan in 1990, but has modified the rebuilding schedule and goals several times over the years, largely in response to new scientific information. A rebuilding plan is a statutorily mandated tool used to manage catch levels over a specified time period so that an overfished population can increase in size to a target level.

Currently, this species is one of the most popular and studied in the Gulf of Mexico, and NMFS has conducted ten population assessments since the late 1980s. The first assessment, conducted in 1988 as well as six additional assessments conducted in the 1990s concluded that the population was overfished and undergoing overfishing, meaning there were too few fish in the water to maximize catches over the long term and fish were being removed from the population at too high a rate. A Congressionally-mandated independent peer review of the scientific and management basis for red snapper management, completed in 1997, also echoed these findings.

Substantial changes leading to the 2007 red snapper rebuilding plan were informed by a 2005 population assessment and followed a court ruling on a lawsuit filed by the Coastal Conservation Association, Ocean Conservancy, and Gulf Restoration Network.[1] The court found previous rebuilding measures as required by the Magnuson-Stevens Act (Magnuson-Stevens Act; P.L. 94-265) to be insufficient to rebuild the population on schedule. Following the court ruling, management changes reduced the combined (commercial and recreational) red snapper catch limit by 45 percent from 9.12 million pounds to 5.0 million pounds; reduced the recreational bag limit from four to two fish to slow the rate of catch; reduced the commercial minimum size limit from 15 inches total length to 13 inches total length to reduce regulatory discards in that fishery; and specified a maximum level for shrimp fishing effort which, if exceeded, would trigger area closures to minimize the incidental take of juvenile red snapper in shrimp trawls.

Also in 2007 the commercial red snapper sector moved from a system of in-season quota closures and trip limits to an individual fishing quota program (IFQ), which allocates federally

[1] *Coastal Conservation Ass'n v. Gutierrez*, 512 F. Supp. 2d 896 (March 12, 2007).

permitted fishermen a percentage of the commercial quota based on their landings history. The IFQ program, recommended by the Gulf Council, was approved by commercial fishermen through a Congressionally mandated referendum process. The IFQ program has achieved its intended objectives to better align the capacity of the fleet with the commercial catch limit, alleviate the adverse impacts of short fishing seasons, improve safety at sea and increase the profitability of the commercial red snapper sector. Since 2007, the ex-vessel value of fishery landings has nearly tripled from $10 to $30 million dollars, while the number of vessels landing red snapper has declined by 14 percent. The commercial red snapper fishery in the Gulf of Mexico is estimated to produce approximately $27 million in landings revenue, support 3,417 jobs, generate $272 million in business sales, and contribute $141 million to the national Gross Domestic Product. Federally permitted fishermen are targeting red snapper year-round, and the fishery is safer because they no longer compete amongst each other to harvest the quota during a series of limited season openings.

Current Assessment of Red Snapper Stock

The current red snapper rebuilding plan, implemented in 2007, was designed to phase out overfishing between 2009 and 2010 and rebuild the population by 2032. The timeframe to rebuild overfished populations varies depending on the status and biology of the overfished species.

Three assessments completed since the implementation of the 2007 rebuilding plan demonstrated the regulatory changes had worked together to end overfishing and increase the red snapper population to a level that has not been observed in decades. According to the most recent assessment update, the total biomass of the population has more than doubled and is estimated to have reached more than 70% of the rebuilding target (Figure 1), enabling the Gulf Council to increase the red snapper quota from 5 million pounds in 2008 to nearly 14 million pounds in 2016.

Many Gulf of Mexico fishermen are saying they are seeing more and larger red snapper than they have seen in their lifetime. As the population rebuilds, fish are getting larger and the average weight at harvest is more than twice as much as before. Catch data indicate red snapper landings are increasing both closer to shore and along the west coast of Florida, with some fishermen reporting landings as far south as the Florida Keys. In addition, red snapper have become much easier to find and catch through continued improvements in marine technology and the placement of artificial reefs closer to shore.

Despite these notable improvements, the current assessment indicates rebuilding is not yet complete because the overall biomass and reproductive potential of the red snapper population have not reached the rebuilding target. Management measures and strong year-classes of young fish entering the fishery in recent years have significantly improved the status of the population. However, because red snapper are long-lived, it takes a long time to rebuild the older age classes in the population. These older fish are important because they produce more eggs and spawn more frequently than younger fish.

Management Challenges

While fishermen, fishery managers and scientists all agree the red snapper population is making an outstanding recovery, there is also widespread agreement there are real challenges in ensuring rebuilding benefits in the fishery are fairly and equitably distributed among all the user groups.

Red snapper catches are managed with annual quotas designed to rebuild the population by 2032. The total annual quota is divided roughly in half between the commercial and recreational sectors. Higher catch rates and quotas resulting from the rebuilding plan continue to benefit most commercial fisherman. Meanwhile, recreational access to red snapper, in particular for private anglers, has become progressively more restricted because as the population recovers, recreational fishermen are encountering more and larger red snapper, causing quotas to be reached more quickly. The recreational red snapper catch limit nearly tripled from 2008-2016 compared to a 6-fold increase in recreational landings per day during that same time period.

The recreational red snapper quota is managed with a fishing season which opens June 1 of each year. The recreational sector includes anglers fishing from private vessels and anglers fishing from for-hire (charter and headboat) vessels. Recreational fishermen, particularly private anglers, as well as fishery managers are understandably frustrated by restrictive mandates and short federal fishing seasons.

There are a number of factors that have caused the Federal season to shorten over time. NMFS, as required by the Magnuson-Stevens Act, must set an annual catch quota for the red snapper fishery that does not exceed the level specified by the Gulf Council's scientific advisors, and must prohibit fishing when the quota is reached. In response to a court ruling[2] on a lawsuit filed by commercial fishermen, and to reduce the probability of the recreational sector exceeding its quota, a 2014 rule by the Gulf Council established two accountability measures, the annual catch target and an overage adjustment, for the recreational red snapper fishery. Lastly, for a given year, NMFS determines the recreational red snapper quota in federal waters in part based on the proportion of stock taken in state waters. As the overall stock has recovered, an increasingly larger proportion of red snapper is caught in state waters as the Gulf Coast states have authorized increasingly longer state water fishing seasons. In addition, last year Congress temporarily extended state-water jurisdictions for Alabama, Mississippi, and Louisiana, from 3 to 9 nautical miles to match those of Texas and west coast Florida and allow for more red snapper to be harvested from state waters.

The private angler effort is unrestricted in an open access fishery while participation in the for-hire (and commercial) fisheries is restricted by long-standing permit moratoriums. Therefore, not all recreational fishermen benefit equally from less restrictive state water regulations because red snapper are not equally distributed throughout state waters, and regulations prohibit federally-permitted for-hire vessels from fishing in state waters when the federal fishing season is closed.

In 2015, the Gulf Council sub-divided the recreational red snapper quota between anglers fishing from private vessels and anglers fishing from for-hire vessels to mitigate the effect of extended state water fishing seasons on for-hire vessels and provide fishery managers greater flexibility to

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2 *Guindon v. Pritzker*, 31 F. Supp. 3d 169 (March 26, 2014).

manage each user group for differing objectives. Two recreational fishing organizations challenged this action in court but did not prevail.[3]

When this new management system took effect in 2016, anglers fishing from for-hire and private vessels were afforded 46 days and 11 days, respectively, to target red snapper in federal waters. For-hire vessels received more days despite being allocated a smaller portion of the total recreational quota because their effort is limited by a permit moratorium and they were unable to take advantage of extended state water fishing seasons ranging from 66-366 days.

Management Options

Developing solutions for the open access, private angler component of the recreational sector is challenging. The Council has been unable to achieve consensus on a number of measures considered to extend the recreational fishing season length, including a slot limit, bag limit reduction, and fish tag program. NMFS actively supported the Gulf Council in developing a regional management strategy designed to provide the states greater flexibility to tailor management to local needs and objectives while meeting Gulf-wide conservation requirements. To date, the states have been unable to agree on how to divide the recreational quota, and on whether and how to incorporate federally-permitted for-hire vessels into the program. However, last June, the Council initiated work on a new action to consider alternative management strategies, for private anglers. They also received input from an industry-led advisory panel and have formed an ad-hoc private angler advisory panel, which is expected to meet in May 2017. At their April 2017 meeting, the Council also recommended moving forward with development of regional management actions for the states of Alabama, Mississippi, and Louisiana. These actions will be further developed by the Council over the course of the next year.

A regional management strategy could help to resolve the current challenges created by inconsistent state jurisdictions and regulations, stabilize the recreational sector, and better manage the expectations of for-hire fishermen and private anglers. The best way to develop such a strategy may be through the Gulf Council process. The Magnuson-Stevens Act established that process to ensure fishery management decisions are developed with stakeholder input from the bottom up in a transparent process consistent with all applicable law. It is a good process for working through the types of difficult decisions that regional fishery management requires and includes representation from all Gulf states.

Interstate management challenges are not unique to the Gulf of Mexico. In fact, they are present in every region where major fisheries span multiple state jurisdictions. Such challenges have been addressed in different regions in different ways; for example, through legislation authorizing the Atlantic States Marine Fisheries Commission as a coordinating body on the U.S. east coast. While there are any number of models that may work, each requires the collective involvement and support of the states, and full accountability to comply with agreed upon management strategies.

NMFS is supportive of changes to the red snapper allocation by the Gulf Council. Last year, the Gulf Council increased the recreational sector's share of the total red snapper quota from 49% to

[3] *Coastal Conservation Ass'n v. United States DOC,* 846 F. 3d 99 (January 17, 2017).

51.5%. That change took effect in 2016 but was recently vacated by the court on the basis it is not fair and equitable, after being challenged by a group of commercial fishermen.[4] In April 2017, the Council voted to explore other mechanisms for reallocating red snapper in light of the court decision. The Council continues to explore additional ways to extend recreational fishing opportunities, including carrying over unused recreational quota for use in the following fishing season.

Science and Data

Red snapper population assessments are among the most complex in the Nation and incorporate many types of data, much of which are collected in partnership with the Gulf States, including commercial and recreational landings and discard data, shrimp trawl discard data, trends in stock abundance based on data collected by scientific surveys, age and reproductive data from the fishing fleets and from scientific surveys, plus research data collected by academic, state, and federal scientists. Assessments are conducted through the Southeast Data, Assessment and Review (SEDAR) process, which incorporates input from state, academic, and federal scientists. Assessments are peer-reviewed by independent experts and a panel of scientists, including many state biologists, selected by the Gulf Council. All SEDAR workshops and webinars are open to the public. Public comment, in person or in writing, is accepted throughout the process as well as during subsequent review and action by the cooperating agencies.

Red snapper science, data, and catch estimation processes are routinely criticized as many fishermen believe the stock assessment and other data collection programs are underestimating population abundance and allowable catch levels. NOAA recently released $9.5 million in funds appropriated by Congress to estimate the absolute abundance of red snapper in federal waters of the Gulf using mark-recapture tagging methods and acoustic and visual advanced technologies. NMFS is also working with Alabama, Louisiana, Mississippi, and Florida to fund, review, and certify supplemental state data collection programs designed to increase the timeliness and precision of recreational catch estimates. Also, the agency is supporting the Gulf Council's work toward requiring electronic reporting. The Council recently approved a proposal that would require all for-hire vessels to report their catches electronically. NMFS will be requesting public comments on those new requirements later this year.

Conclusion

We have made great progress toward rebuilding the Gulf of Mexico red snapper population. But this progress has not come easily, nor will it be sustained without continued attention. This is a critical time in the history of red snapper management, and we must ensure the fishery is able to meet the needs of both current and future generations.

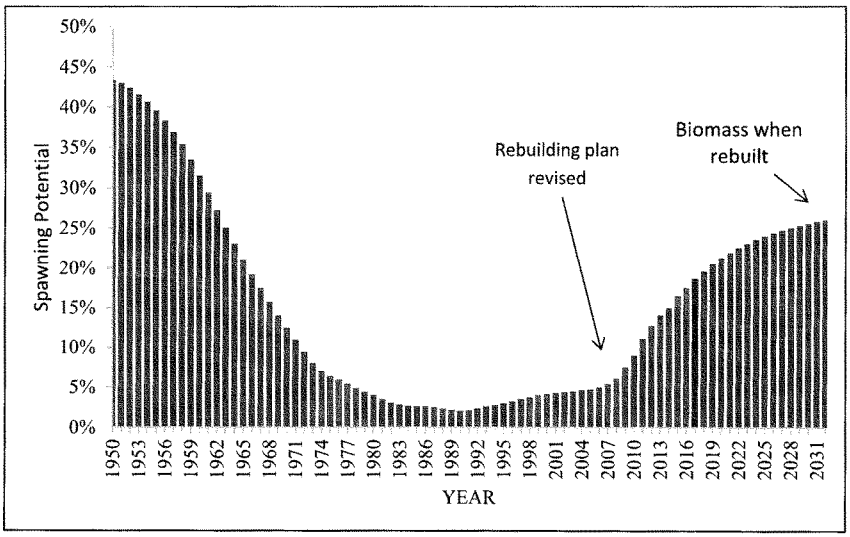
The red snapper population is rebuilding and that is a good thing, and additional research and reporting will improve the accuracy of population estimates. Now we need to make some reasoned, thoughtful decisions about the distribution among all user groups amidst a growing population. Gulf of Mexico fishermen and fishing communities sacrificed a great deal to help

[4] *Guindon v. Pritzker,* 2017 U.S. Dist. LEXIS 30128 (March 3, 2017).

rebuild the stock. It is critical that all involved remain engaged and work together to find a way forward in the cooperative spirit that the regional fishery management council process promotes.

Thank you again for the opportunity to discuss Gulf of Mexico red snapper management. I am available to answer any questions you may have.

Figure 1. Historical and projected trends in Gulf of Mexico red snapper biomass.



Mr. FARENTHOLD. Thank you very much. And well under time. Mr. Miller, you're recognized

STATEMENT OF JAMIE M. MILLER

Mr. MILLER. Good afternoon. Thank you, Chairman Farenthold, members of the subcommittee.

Thank you, Congressman Palazzo, for that generous introduction.

I'm Jaime Miller, director at the Mississippi Department of Marine Resources. My agency's mission is to enhance, protect, and conserve the marine interests of Mississippi. One of the ways we do this is by providing a fisheries regulatory environment that is understandable and enforceable while allowing sustainable access to these resources.

Today, I'm here to speak to you about the red snapper fishery in the Gulf of Mexico, specifically off the coast of Mississippi. Mississippi, like the other Gulf States, has a long history of the red snapper fishery. Our State has representation of all user groups. The commercial group operates through the individual fisheries quota, or IFQ, system. The recreational group, through the recent passage of Amendment 40, is separated into two sections, identified as the private sector and the charter-for-hire sector.

Currently, red snapper is managed as a single stock under a Gulf-wide quota system. The Gulf-wide quota is divided between two recreational sectors: the recreational sector with 51 percent of the quota and the commercial sector with 49 percent of the quota. There are issues within each group, but the largest management issue with red snapper presently is within the recreational private sector.

Over the past decade, the recreational private sector has seen annual seasons reduced from 194 days in 2007 to just 3 days, and now it's just a day, 2017. These conditions created by the current management system have led to derby seasons, which have frustrated private anglers and forced them to fish offshore in less favorable and sometimes dangerous conditions. These derby seasons also have decreased ability of NOAA's data collection tool, the Marine Recreational Information Program, or MRIP, to accurately determine harvest levels.

There are also serious questions about the timing and accuracy of stock assessment updates. As a result, our agency, as well as the public, has lost confidence in the data being used to determine season lengths. In response to the data collection problem, Mississippi created its own survey system called Tails and Scales, a custom landings program for red snapper administered by the MDMR. This program has been paid for without Federal funds and is unique from other programs in that the angler must acquire a trip number before leaving a dock and be in possession of the number while on the water. By making this requirement mandatory, Mississippi fishery management data is reported very quickly as well as being hyper accurate. These data can now be used in determining catch targets for the recreational sector in a matter of days rather than 6 to 10 months, according to the current system.

The other Gulf States have developed similar landing programs to provide custom area fishery dependent data which can be utilized in Gulf-wide or regionwide assessments to ensure that over-

fishing is not occurring. Many of these State-based landings programs, including ours, are currently being certified or under consideration for certification with NOAA. Additionally, I and other members of the Gulf of Mexico Fishery Management Council have requested NOAA to provide more timely and accurate updates to stock assessments for red snapper. Unfortunately, this issue remains unchanged and will continue to leave a gap in data that will keep us in a pattern of derby seasons.

We remain at a crucial point in the management of this species, and I would like to emphasize that the Magnuson-Stevens Fishery Conservation and Management Act does a good job overall of keeping America's fisheries sustainable. However, when a species has been placed in a rebuilding plan, it remains trapped there until a substantial effort is made to collect timely and accurate data to show it has recovered. The States have been forced to provide the collection of these data to NOAA at their own expense. I believe NOAA must find ways to focus additional resources on solving issues that Gulf States have identified as a high priority.

The State of Mississippi remains committed to Federal partnerships that work to ensure sustainable harvests benefiting the public resource.

Thank you, again, for the opportunity to participate in today's hearing.

The management of red snapper is important to the citizens of Mississippi and Mississippi's coastal economy, and I'm glad to answer any questions the subcommittee may have.

Thank you.

[Prepared statement of Mr. Miller follows:]

Written Testimony of
Mr. Jamie Miller, Executive Director
Mississippi Department of Marine Resources
Management of Red Snapper in the Gulf of Mexico
Before
The United States House of Representatives
Subcommittee on the Interior, Energy, and Environment,
Washington D.C.
May 2, 2017

Good afternoon. Thank you Chairman Farenthold and members of the subcommittee for the opportunity to provide testimony today regarding the Management of Red Snapper in the Gulf of Mexico. **I am Jamie Miller, the Executive Director at the Mississippi Department of Marine Resources (MDMR).** My agency's mission is to enhance, protect and conserve the marine interests of Mississippi. One of the ways we do this is by providing a fisheries regulatory environment that is understandable and enforceable while allowing sustainable access to these resources. Today I am here to speak to you about the Red Snapper fishery in the Gulf of Mexico, specifically off the coast of Mississippi.

Red Snapper Management in Mississippi

Mississippi, like the other Gulf states has a long history with the Red Snapper fishery. Our state has representation of all user groups. The commercial group operates through the Individual Fisheries Quota (IFQ) system. The recreational group, through the recent passage of Amendment 40, is separated into two sectors, identified as the private sector and the charter/for-hire sector.

Currently, Red Snapper is managed as a single stock under a Gulf-wide quota system. The Gulf-wide quota is divided between two recreational sector(s), with 51 percent of the quota and the commercial sector, with 49 percent of the quota. There are issues within each group, but the largest management issue with Red Snapper presently is within the recreational sector(s).

Over the past decade, the recreational private sector has seen annual seasons reduced from 194 days in 2007 to just 11 days in 2016. These conditions created by the current management system have led to derby seasons, which have frustrated the private anglers and forced them to fish offshore in less favorable and sometimes dangerous conditions. These derby seasons also have decreased the ability of NOAA's data collection tool, the Marine Recreational Information Program (MRIP) to accurately determine harvest levels. There are also serious questions about the timing and accuracy of stock assessment updates. As a result, our agency, as well as the public, has lost confidence in the data being used to determine season lengths.

Tails N Scales and Data Collection

In response to the data collection problem, Mississippi created its own survey system called **Tails n' Scales,** a custom landings program for Red Snapper administered by the MDMR. This program has been paid for without federal funds and is unique from other programs in that the angler must acquire a trip number before leaving the dock and be in possession of the number while on the water. By making this requirement mandatory, Mississippi fishery management data is reported and verified quickly, as well as being hyper-accurate. These data can now be used in determining catch targets for the recreational sector in a matter of days rather than in the six to 10 months according to the current system.

The other Gulf states have developed similar landings programs to provide "custom" area fishery dependent data, which can be utilized in Gulf-wide or region-wide assessments to ensure that overfishing is not occurring. Many of these state-based landings programs (including ours) are currently being certified by NOAA.

Timely and Updated Stock Assessments

Additionally, I and other members of the Gulf of Mexico Fishery Management Council have requested NOAA to provide more timely and accurate updates to stock assessments for Red Snapper. Unfortunately, this issue remains unchanged and will continue to leave a gap in data that will keep us in a pattern of derby seasons.

Moving Forward with Magnuson-Stevens Act

We remain at a crucial point in the management of this species, and I would like to emphasize that the Magnuson-Stevens Fisheries Conservation and Management Act does a good job overall of keeping America's fisheries sustainable. However, when a species has been placed in a rebuilding plan, it remains trapped there until a substantial effort is made to collect timely and accurate data to show it has recovered. The states have been forced to provide the collection of these data to NOAA at their own expense. I believe NOAA must find ways to focus additional resources on solving issues that Gulf states have identified as high priority. The state of Mississippi remains committed to federal partnerships that work to ensure sustainable harvest benefiting this public resource.

Thank you again for the opportunity to participate in today's hearing. The management of Red Snapper is important to the citizens of Mississippi and Mississippi's coastal economy. I am glad to answer any questions members of the subcommittee may have at this time.

Mr. FARENTHOLD. Thank you, Mr. Miller.
Mr. Brown, your 5 minutes is rolling.

STATEMENT OF CHRISTOPHER BROWN

Mr. BROWN. Thank you, Mr. Chairman, members of the committee, for the opportunity to come down from Rhode Island and talk to you about the management of red snapper in the Gulf of Mexico.

I'm the president of the Seafood Harvesters of America. In that role, I speak almost daily with members from Alaska to the Gulf of Mexico to the Gulf of Maine. We share a commitment to manage our Nation's fisheries sustainably.

I recognize that red snapper is a hot-button issue for many of you folks here. And you may wonder: What right do I have to weigh in on it? I have a long relationship with the industry, the resource, and the council process. And I assure you that this fishery is not unique and shares common features with fisheries in other regions.

Fifty years ago, I was just a boy fishing at my grandfather's side on a small boat in Block Island Sound. Fishing in pristine waters was something that I will never forget.

Forty years ago, I was 19 years old, confident that the wealth before us was inexhaustible. Sadly, and looking back, predictably now, time has revealed otherwise.

Thirty years ago, I had two mouths to feed and a new baby on the way, and I had no visible means to make ends meet. We had crashed our stocks. We had failed to understand the fragile nature of the relationship that exists between the harvester and the ocean.

I am the voice of the fishermen from around the Nation that have traveled this very same path. We have learned many, many a hard lesson. And in this journey lies the credibility of my testimony.

Ten years ago, we had the beginning of a recovery in New England. The management of the day favored derbies and did little to end the discards associated with those derbies. In that mold, we failed to find either profit or stock health.

Through a reauthorized Magnuson-Stevens Act and our transition away from what's currently the very same management strategies that are used in the recreational fishery in the Gulf of Mexico, we began the long road back to rebuilding.

What failed in New England failed the recreational fishermen of the Gulf of Mexico, and it equally failed the commercial fishermen years earlier. Oftentimes, derbies do not work. They have failed this region since their introduction, and I would question the value of a manager that would suggest more of the same in light of what I hear is a 3-day season in Federal waters this year.

There are problems in the snapper management in the Gulf of Mexico that I see. Specifically, general uncertainty of catch rates and totals. Fisheries need to be governed by science, not politics. This is true in all regions, not just the Gulf.

Any expansion of fisheries management authority to the surrounding States will work only if it is subject to the standards aspired to by the Magnuson-Stevens Act. Without Magnuson-Stevens, State managers are poorly supported to make tough resource deci-

sions. They are forced to hold back and regulate the very people that empowered them and gave them office. That is a job no man should face.

Management that values popularity serves only itself and is of no value to the fish, the commercial sector, or the recreational sector. Decisions should always be steeped in sound science. Fisheries that do not feed well into the scientific community should be structurally reconsidered as to accommodate their effective management.

On the good side of the ledger, you should be grateful that, in the Gulf of Mexico, you have an environment that is still receptive to growing fish. We are not that lucky in New England. The fishery has been largely rebuilt on the backs of the catch share program that is in place. Federal charter boats now use electronic monitoring to report their activity daily. And in fisheries management, if you can't measure it, you can't manage it.

Fishing is not a right; it is a privilege. With privilege comes obligation. We view the Magnuson-Stevens Act as our contract with America to do no harm. We think it is a fantastic document.

In the Seafood Harvesters of America, our mission is to facilitate and develop sustainable fisheries. We are the fishermen who have emerged out of the ashes of overfishing. We have seen a new path to prosperity and environmental health. The health of our community is specifically related to the health of our stocks. And accountability is an element common to all great fisheries and will lead to success over time.

I would love to handle any questions you'd like to give me later.

Thank you very much.

[Prepared statement of Mr. Brown follows:]

Testimony of Chris Brown
President, Seafood Harvesters of America
Before the House Government Reform and Oversight Committee
Subcommittee on Interior, Environment and Energy
Regarding the Management of Red Snapper Fishery
May 2, 2017

Mr. Chairman and members of the Committee, thank you for the opportunity to testify today regarding the management of Red Snapper in the Gulf of Mexico. As President of the Seafood Harvesters of America, I represent an array of commercial fishing organizations and fishermen across the nation, including those who use pots to crab in the Bering Sea, others who use hook and line to catch Red Snapper in the Gulf of Mexico, and those like myself who use a net to fish in the waters of Southern New England. While we may use different gear and target different species, we all have in common a desire and commitment to manage our fisheries sustainably. The Harvesters bring together fishermen from across the nation to learn from each other's successes, as well as our failures, and collectively champion policies to ensure that we have well-managed fisheries so that we can deliver healthy, safe and delicious seafood to citizens throughout the nation.

I recognize that Red Snapper is a hot button issue and there are many in this room today that will point to Red Snapper management as a failure. I am also aware of the concern that some may have about the value of testimony coming from someone who has never participated in the commercial Red Snapper fishery and never will. But while every fishery is to some extent unique, today's Red Snapper situation shares some common features with crises in other regions, including my own.

I arrive at your door, wearing from the road, withered but wiser from the blows of every hard lesson that could possibly be learned along the way. My early preparation for this testimony began some 50 years ago as a young boy, alongside my grandfather on the deck of a small trawler out of Point Judith, Rhode Island, in the relatively pristine waters of Block Island Sound. 40 years ago, I was but one of many young men, confident, steeled in our collective resolve, that the wealth laid before our feet was inexhaustible and that success was ours for the taking. Our future was certain. Sadly, time has fatefully revealed otherwise and my grandfather's ocean has shown her limits, bared her soul and bowed her head, un-majestically to an unyielding and careless onslaught at the hands of those who did not understand the fragile nature of the relationship with which they had been entrusted. 30 years ago, a young father with mouths to feed and no visible way to make ends meet. Humbled now, a firsthand witness and participant in our failure to manage the riches of our nation. My once held youthful dreams of great and inexhaustible wealth, forcibly reshaped into middle aged prayers for simple economic survival.

I am here today as the voice of a nation's fishery that has travelled this very same path. It can start in Alaska, Oregon, California, Texas, Florida or Maine. Geography is irrelevant. In this journey and subsequent evolution, lies the credibility of my testimony.

Roughly 10 years ago we had witnessed, what appeared to be a significant recovery in Cod and Yellowtail Flounder. These are two of the most historically significant species in New England. Those hard-earned gains were squandered in the years prior to management reform in my region. Input control measures dictated daily possession limits of Cod. These limits we easily obtainable in only an hour's trawling or a panel or two of gillnet. Soon it became difficult to not catch more than one could possess. Discarding fish became an unfortunate feature of regulatory compliance. With each event, fishermen became increasingly numb to the pain and futility. Out of this, a culture of disregard emerged. Discarding of fish became culturally tolerated. With Yellowtail Flounder, the political will of the council advanced ahead of the confidence in the science. A special Yellowtail program was devised and gave rise to a derby where 30,000 pounds could be caught in a special area. It was unprofitable from the start, as derbies usually are, but vessels continued to participate simply because they wanted their share.

The diminished state of our fishery is the result of overfishing unknown to the council and poorly constructed, outcome irrelevant management structures. The biological ineffectiveness of these management plans reflected annually in smaller limits and fewer days to fish each year due to wastefulness of the plans. In an ecosystem that is challenged by environmental compromise, it is essential to deliver data that is of the highest quality and contain mortality to that which supports the ongoing recovery of the stocks.

As I look upon the Red Snapper management, I see glaring issues that pose a threat to its continued recovery. Specifically, the general uncertainty associated with the recreational fishery poses a real threat to the integrity of the very science that should drive every management decision. With such a large component of the annual fishery dedicated to recreational use, it seems highly unlikely that the fishery will continue to recover unless management of the recreational sector improves. Uncertainty saps the growth of stocks over time. Fisheries need to be governed by science, not politics. This is not unique to the Gulf.

The proposed expansion of management authority by the surrounding States in the Gulf is a proposition that does not bode well for the citizens of the United States. Increased access to Red Snapper by the consuming public, throughout the nation is a function of continuing stock recovery. Increased authority in the management of Red Snapper should be based on success not want.

State managers are poorly suited to manage this stock. In a politically charged arena those who are appointed by elected governors are forced to consider the fate of those who employ them in resource decisions. Management that values popularity serves only itself and is of no lasting value to the fish or fishermen of any state. Decisions should instead be steeped in sound current, well informed science.

Additionally, the economic burden associated with the complete and effective management of Snapper by any state seems daunting and scarcely considered in their quest for control. The financial burdens associated with management of Snapper, independent of the Federal Government, calls into question the value proposition represented by such a quest.

We look upon all fishing, both recreational and commercial as a privilege, not a right. With privilege come responsibility. The Magnusson Act is our contract with America that we will do no harm. The responsible utility of our nation's natural resources is an expression of peace time patriotism, second to none. The unethical use of the same is something far less and falls below any standard of public service.

We should all be thankful that the Red Snapper fishery is in much better shape than the codfish fishery. The commercial sector consistently harvests its annual allocation and does so in a way that is flexible, safe and profitable. The federal for-hire charter boats are now using electronic reporting systems to be more accountable and improve their yields as well. Better, more accurate and more reliable real-time data from the private recreational sector would vastly improve the ability to set quotas and develop better management regimes for all sectors, ultimately improving access for all. Consequently, for the first time ever, a private recreational angler advisory panel will be meeting next week in New Orleans to advise the Gulf Council on how to improve red snapper management for the private angler sector.

The Seafood Harvesters' mission is to develop sustainable fisheries, using accountability as the sword and the shield. We are the fishermen who rose out of the ashes of overfishing and are using the hard lessons we learned to chart a path to prosperity and environmental health. We have an obligation to make wild-caught fish a viable, enduring, dependable source of food. Accountability is the common element found in all great fisheries and will lead to success over time.

Thank you for your time and consideration as we discuss the best ways to improve the management of Red Snapper in the Gulf of Mexico.

Mr. FARENTHOLD. Thank you, very much, Mr. Brown.
And, Mr. Ray, you're recognized for 5 minutes.

STATEMENT OF MARK RAY

Mr. RAY. Thank you, Chairman Farenthold and members of this committee. My name is Mark Ray. I'm a long-time member and volunteer of the Coastal Conservation Association, and I currently serve as chairman of the CCA, Texas chapter.

CCA has more than 120,000 members in State chapters on all three coasts. And we appreciate the opportunity to appear before this committee today and provide our perspective on the ongoing challenges of red snapper management in the Gulf of Mexico.

As anglers, we are very proud of the role we have played over the years to improve and expand the red snapper population in the Gulf of Mexico. We have been engaged in various management aspects of this fishery for more than two decades, and we are proud to say that our efforts helped lay the groundwork to achieve what many marine scientists believe is the healthiest red snapper population ever in the Gulf of Mexico. Our successful efforts to minimize the devastating impacts of juvenile red snapper mortality in the shrimping industry in the early 2000's allowed for a recovery of this stock that has surprised scientists, managers, and anglers alike.

I have the honor of being here today, but you could ask any fisherman who ventures offshore to sit in this chair, and they would tell you the same story: it is hard to get a bait past a red snapper. Anglers are encountering these deep-growing fish in areas where they have never been seen before, and the fish they catch are bigger, on average, than at any time under management.

By any measure, the red snapper fishery in the Gulf of Mexico should be held up as a shining example of proper management and good conservation. But as this hearing demonstrates, that is not the case. We aren't here today to highlight the conservation success story. Unfortunately, we are here because red snapper is known throughout the Nation as a man-made fishery management disaster.

In spite of the health of the stock, current projections indicate that the Federal season for the recreational sector will probably be 2 to 4 days this year. And, in fact, today, it was made to be 3 days. After decades under intense Federal management, this is the best that anglers can hope for, a 3-day season in Federal waters? I don't think anyone would declare the current situation a success.

The reason for how we got here is convoluted and intricate, and ultimately they remind of the story of the blind men asked to describe an elephant. Each answer will reflect an individual's own version of reality from their perspective.

Perhaps a message that will convey the most clarity to this committee in the time that I have is that State fishery management agencies of every single Gulf State have found reason to go out of compliance with Federal red snapper regulation. That is an extraordinary development.

I'm certainly not a fisheries manager, but the five Gulf State agencies certainly have plenty of professional wildlife managers, and they see sufficient flaws with Federal management of this fish-

ery that they have elected to chart their own course to improve access to a robust resource.

The process of addressing these ongoing challenges begins with acknowledging that the current one-size-fits-all solution is not working. Habitat, effort, accessibility, weather, and many other factors impact how a fishery should be managed, and they all vary wildly, from the Florida Keys to Brownsville, Texas.

At the same time, red snapper is a species with high site fidelity. They don't migrate. They stay where they were for their whole lives.

The potential is there to allow each State to manage its fishery on a much more fine-tuned scale, according to local tradition and practice to meet specific need and challenges. Give the States greater responsibility to manage the fishery off its shores in a way that best serves the health of the fishery and the ability of the public to access it.

We believe that all stakeholders have critical roles to play in the management of our Federal marine resources. But anglers cannot fulfill their role if they're administratively locked out of a fishery. We are willing to do our part in a system that recognizes the inherent fundamental differences between recreational angling and industrial harvest. All we ask is for a system that allows all stakeholders the best opportunity to enjoy and use these resources. I'm here today to ask this committee to give us this chance.

Thank you for your time, and I'll be happy to answer any questions from the committee.

[Prepared statement of Mr. Ray follows:]

Thank you Mr. Chairman and members of the committee. My name is Mark Ray and I am a long-time member and volunteer for Coastal Conservation Association, and I currently serve as Chairman of the CCA Texas Chapter. CCA was established in 1977 and is the largest marine resource conservation group of its kind in the nation, with more than 120,000 members in 19 state chapters along all three coasts. Comprised of recreational anglers and concerned conservationists, CCA has been active in state, regional and federal fishery issues ranging from forage species at the bottom of the marine food chain to pelagic, apex predators at the top. CCA's advocacy philosophy seeks to promote both the proper conservation of marine resources and the availability of those resources to the general public.

The commitment of anglers, and indeed of all sportsmen and women, to act as stewards of the wildlife resources they cherish is at the heart of the North American Wildlife Conservation Model, which is built on the premise that all fish and wildlife are held in public trust and belong to the people -- not designated individuals for personal gain. That being said, I am not here to speak against commercial fisheries. The majority of recreational anglers are not advocating for the elimination of commercial fishing, despite many in that industry attempting to muddy the water with claims to the contrary. We simply want a system of management that provides appropriate access to the resource and nowhere is such a system more lacking than in the Gulf of Mexico red snapper fishery. Federal management dysfunction of red snapper in the Gulf continues to push recreational fishing away from the extremely successful North American Model and toward privatization schemes meant to limit the public's access to abundant public resources in public waters.

At a recent Gulf of Mexico Fisheries Management Council, a comment was made by a commercial harvester advocating for limiting access for anglers that recreational red snapper fishing needs to be managed according to a plan like duck hunting. Ironically, recreational fishermen would be much happier if snapper were managed like ducks, where state and federal wildlife managers share information and set remarkably consistent seasons and limits according to long-term population trends, not simply on best-guesses about harvest effort based on outdated information. There is not a Congressional hearing every six months or so on how to fix duck hunting because the system works for its stakeholders. In most states, duck hunters have had consistent seasons for a decade or longer. Over that same period, federal seasons for red snapper have changed more than a dozen times. In 1996, anglers enjoyed year-long access when the population was beginning to recover. Last year, the season was just 9 days and is likely to be as short as 2 to 4 days this year. All this despite the snapper population being at what is likely an all-time high. One of the reasons given by NOAA Fisheries for these shortened seasons is that the fish are so abundant they are too easy to catch. In no other fisheries or game management system is abundance used as a reason to shorten seasons and restrict access. But, somehow federal fisheries managers justify it for Gulf red snapper.

Recreational anglers are regularly accused of irresponsibility, having a lack of accountability and even of being too numerous. Incredibly, anglers are often berated for not producing their own management program within a system that gives them no tools to work with. This charge is particularly exasperating. Commercial harvesters engaged in the Gulf Council process have willingly chosen a path that results in massive consolidation of their sector. The "winners" are those who end up owning the largest shares of the public red snapper resource to sell for their own benefit; the losers are everyone else. This type of management program that picks a few winners at the expense of many losers is clearly favored by NOAA Fisheries and it is one that we are seeing emphasized more and more in the Gulf of Mexico. It is

clear that NOAA Fisheries believes some variation of a limited entry system that picks winners and losers for the recreational sector is necessary to properly manage the stocks under its authority.

We reject any premise that in order to successfully manage federal fisheries we must devise a system that determines which lucky few anglers get to fish while leaving the vast majority tied to the dock. As a result, we find ourselves on the outside looking in at a federal management system that is attempting to force such a program upon us. It doesn't have to be this way.

One need only look at state-managed fisheries to see the resounding success of their management approach, both in fresh and saltwater fisheries. State fisheries managers use the same model, whether managing primarily catch-and-release trophy fisheries (like some largemouth bass, trout, snook and tarpon fisheries) or harvest intensive fisheries (crappie, catfish, red drum, sheepshead, spotted seatrout, walleye and yellow perch), because it works well regardless of management goals.

The frequent inability of federal fisheries managers to effectively manage recreational fisheries is a product of how they are required to approach fisheries management. States have a responsibility and mission to manage a fishery for maximum health so that they can provide ample opportunities for the public to enjoy their resource. To do this, they rely on actual, timely population data in addition to robust estimates of angler harvest. State management success is measured on both a healthy fishery and a satisfied public, with no incentive to do otherwise. Unlike the states, federal managers are required by law to manage a fishery, in part, on the concept of maximum sustained yield (MSY), which by its very definition causes managers to decrease the abundance of a population and squeeze the most pounds out of a fishery while trying not to collapse it. Because of the inherent variability in their assessments that rely heavily on harvest estimates, they must include conservative buffers to keep from exceeding the overfishing limit. The fewer the fishermen in the fishery, the easier it is to achieve this goal.

Essentially, NOAA Fisheries has built their management model around the commercial management model of managing or constraining the fishermen to attempt to keep a fishery from failing. In contrast, the states' model manages for a healthy population and a robust fishery in order to optimize access for fishermen, both commercial and recreational. From a species conservation, harvest sustainability, and overall public satisfaction perspective, the state approach is simply a better methodology.

In the case of red snapper, federal management tools are predicated on the ability of managers to count every single fish that spawns and is caught in the Gulf of Mexico. Even with today's technology, that ability simply does not exist and trying to achieve it will cost untold millions of dollars. Instead of acknowledging that easy-to-spot shortcoming, the federal system has tied itself and the fishery in knots trying desperately to reach an unfeasible goal. The state management philosophy succeeds because their fisheries management systems fit the data they have available and they have made the investments to obtain current information to apply to that management. With current information in hand, state managers have more flexibility to adjust fishing rates and seasons to reflect current conditions. Whereas the federal system is trying to impose on millions of anglers a quota system designed for several hundred commercial shareholders, the states have achieved a better balance between sustainability and quality fishing opportunities.

The Gulf red snapper population is a public trust resource, and the American public deserves an accountable management system that maximizes access to their resource. Insisting on a management

system that does otherwise is a rejection of a wildlife conservation model that has fueled some of the greatest conservation victories in the world. In the Gulf of Mexico, recreational anglers have stepped up to build world-class hatcheries and worked with universities to build world-class science centers. They have raised hundreds of thousands of dollars for law enforcement equipment and other support for state game wardens. They have been the driving force behind habitat projects ranging from marsh restoration and oyster shell recycling programs to offshore artificial reefs.

In addition to the license anglers buy just to go fishing, every time we purchase a package of hooks, a fishing rod, reel, lure, tackle box, depth finder, trolling motor, fuel for our fishing boat and other supplies we gladly pay an excise tax that goes into a fund called the Sport Fishing and Boating Trust Fund. The majority of those funds go back to the states for fisheries conservation, angling and boating access and boating safety. It is all part of the American System of Conservation Funding - paid for solely by anglers and boaters - and it's the lifeblood of the North American Model.

Anglers have taken on these challenges because we have gladly accepted the responsibility of being stewards of the resource. Gulf anglers regularly ask state agencies to reduce creel limits when stocks show signs of decline or are affected by weather or other environmental factors. Gulf-coast anglers also led the charge in the 1980s to end the use of destructive fishing gear like gillnets and purse-seines that were decimating speckled trout and redfish stocks, pushing these iconic species to the brink of collapse.

The angling community is also largely responsible for the miraculous recovery of Gulf red snapper. In 2005, a lawsuit brought by concerned anglers forced implementation of arguably the single most significant action in the history of red snapper management. After years of inaction by NOAA Fisheries and a relentlessly depressed red snapper stock, a federal judge finally ordered a 79 percent reduction in red snapper mortality from shrimp trawls. After almost 30 years of failed policies and half-measures, this landmark decision finally set the stage for the incredible recovery in red snapper stocks that we are seeing today. Indeed, information presented by the Gulf Council consistently reflects an almost meteoric rise in Gulf red snapper populations beginning in 2005, coinciding exactly with the reduction in shrimp trawl bycatch mortality. It is the only elemental change in the management of this fishery over the past 30 years and it was brought about by recreational anglers. It is questionable whether federal managers fully grasp or appreciate the impact it has had on the red snapper stock.

Anglers have a critical role to play in the management of our federal marine resources and we are willing to fulfill it if given the chance with a federal system that takes into account the inherent, fundamental differences between recreational angling and industrial harvest. I am here today to ask this Committee to give us that chance.

Thank you.

Mr. FARENTHOLD. Thank you, Mr. Ray.

I'm going to go ahead and let Mr. Palmer go ahead with his questioning first, and I'll come back at the end of the committee members. And then, once we've done the committee members, we'll go to those that were unanimously consented in to participate.

So, Mr. Palmer, you're recognized for 5 minutes.

Mr. PALMER. Thank you, Mr. Chairman.

Mr. Comstock, what kind of data does NOAA use to determine red snapper populations in the Gulf of Mexico?

Mr. COMSTOCK. Thank you, Congressman Palmer. We use scientific studies. They do stock assessments.

And, again, I'd be happy to provide to you greater detail on that. But, in general, they do, over a period of several years, they'll do stock assessments. They're reviewed by the scientific and statistical committees of each council. They go through a peer-review process, and the council looks at that data and then assesses it. And the State fishery managers are all typically involved in that process as well.

Mr. PALMER. Well, there is apparently criticism from the Gulf States that the National Marine Fisheries Services uses outdated and one-dimensional science to assess particularly the red snapper population and that there's a lack of coordination. How do you respond to that?

Mr. COMSTOCK. Well, I'd be happy to look into it further.

I do know this, and that is, that, again, my background is more strongly in the Alaska science side. But we can get you as much detail as you like and arrange a briefing for your staff.

I think the challenge on all fishery management, this is a mixed-stock fishery. So these fish don't sync as a single population. As a result—and also we have limited resources and funds. So there's a cycle for reviewing these things, and there's always—I think my experience has been that there's always challenges to assessing the fish stocks, and there's always debate about the accuracy of it. That's why we have a process. And, again, what I'd like to point back to is this is part of the reason the fishery management council process is there. It's to establish a system where you have the participation of the State management agencies. You have a process with scientists looking at this to try to get to the best result. No system is perfect, and there's always room for improvement. And that's certainly something that the Department will be looking strongly at and trying to improve upon over the coming year.

Mr. PALMER. Mr. Miller, does the State of Mississippi collect scientific data on fisheries, particularly red snapper?

Mr. MILLER. We do. We do that through what's referred to as the Marine Recreational Information Program, which is consistent with all the Gulf States.

Mr. PALMER. How is that different from how NOAA does their assessment?

Mr. MILLER. It is the information that NOAA uses to make their assessments.

Mr. PALMER. Mr. Ray indicated—or it may have been you—that every State has a conservation officer. You have people who have expertise in this. And, again, going back to the criticism that there's not a lot of coordination, particularly in the context—in re-

sponse to Mr. Comstock's point that there's limited resources for this, doesn't it make sense that NOAA would be relying on the States who have specific expertise in regard to their fisheries?

Mr. MILLER. That is accurate. To give more detailed answer on MRIP, the program used, MRIP is a successful way——

Mr. PALMER. Could you give the name of——

Mr. MILLER. Marine Recreational Information Program.

And for many State species and other species, MRIP is appropriate. Where MRIP fails and cannot provide good information is when you have what we have with red snapper where you're only opening a season for a few days.

We're collecting surveys year-round and getting no responses because the fishery is closed, you know, 360 days out of the year. And so the data that is collected, although we're collecting it and providing it to NOAA, it's just—it's incomplete.

Mr. PALMER. So that we're clear on this, you're saying that the States collect this data, but, in your view, NOAA is not utilizing that data in their decisionmaking process?

Mr. MILLER. NOAA provides funds to the State, through this program, which pays for staffing for us to go do surveys, be at the docks, collect information about what is being caught, other telephone interviews. The problem itself is that, with a fishery that's opening every day, you can be at the dock every day and get good, consistent information about what's being landed. If you're out there 360 days and nothing is being landed because there's no season and all your information is relying on just a few days of catch, it's incomplete. And it wouldn't matter who is dealing with the data; it would always be incomplete.

Mr. PALMER. Well, I just want to make sure that we make this point. And if I'm wrong, you can correct me. But I think the inference here, and what you're really saying is, is that the data that the States collect is more accurate than what NOAA is using to base its decisions on. So my question here—and, Mr. Ray, you can weigh in on this—if we utilize the data collected by the States, do you think the policy decisions would be different?

Mr. MILLER. Well, what has—as a result of this imperfect system, the States have defaulted to create their own system.

In Mississippi, we've got something called Tails and Scales, where we focus only on the people that are targeting red snapper. They've got to acquire a landings permit. And so we, in a very targeted way, know how many people are fishing, what they're catching, how much they've caught, where they caught it at. And that's just information that MRIP cannot collect. And so Louisiana, Alabama have each gone in that direction to collect better information.

Mr. PALMER. The reason I bring that up, Mr. Chairman, is Mr. Ray made the statement that every Gulf State, I believe, is out of compliance with the NOAA regulations. And I don't think you do that just to spite NOAA. I think you do it because you think your information, your research, your data, and your policies are more consistent with the actual situation in the fisheries. Is that fair?

Mr. MILLER. I think that's fair.

Mississippi went—issued a noncompliant season for the first time in 2013 after the season lengths began to shorten extremely. And I think each of the State managers are convinced that, you

know, we are doing no harm, that we are aware and are doing what's best for the resource or at least doing no harm to the resource.

Mr. PALMER. I appreciate your indulgence, Mr. Chairman. I yield back.

Mr. FARENTHOLD. Thank you very much.

I'll now recognize Ms. Plaskett.

Ms. PLASKETT. Thank you, Mr. Chairman.

Good afternoon, gentlemen.

One of the things I wanted to talk about is I found very interesting, Mr. Comstock, when you talked about the cycle of review that you do. What is the rotation of that review? How is that determined?

Mr. COMSTOCK. That's determined in conjunction with the council. So they go through a process, sit down with the regional fishery management center. We have regional fishery science centers.

Ms. PLASKETT. Uh-huh.

Mr. COMSTOCK. And they work through a cycle of looking at the stocks, trying to determine which ones—partly on the biology of the fish, partly on the needs of the fishery managers to assess how quickly they're going to be able to do this, and then it's a function of our resources.

And I did, if you don't mind, want to point out one thing as we talk about the stock assessments. Some of the data that was being discussed with MRIP, that is catch, how much is being caught. There's also just the basic biology and assessment of the fishery stocks. How big is the spawning biomass? So the stock fishery management is not just about, how much did you catch? You also have to figure outs how much is there in the first place.

Ms. PLASKETT. Okay. But when you talked about how often you review them, and that that's tied to your budget, you said, how often you'll go back and review. Is that—did you mention something about that?

Mr. COMSTOCK. That's—well, that's correct. I mean, it costs money to go out, and as the gentleman just pointed out, we do give money to the States as well to support some of their programs. So you're going out and doing trawl surveys and taking sampling to determine how these fish stocks are doing. So it does cost money.

Ms. PLASKETT. Okay. And in the proposed budget that has come out from the President, would that—I know there were reductions that were going in coastal areas of NOAA. What is the reduction amount, and would that affect something such as this?

Mr. COMSTOCK. Well, the fiscal year 2018 budgets haven't been submitted yet. So I'm not really in a position to——

Ms. PLASKETT. I'm talking about the President submitted a budget to Congress, a skinny budget for the next fiscal year.

Mr. COMSTOCK. Right. But as I understand it, a deal was reached, and they've settled on the NOAA figures——

Ms. PLASKETT. Right.

Mr. COMSTOCK. —and I don't think those will radically affect the stock assessments, no.

Ms. PLASKETT. Okay. When you did talk about the State management systems and how those are effective, currently the red snapper fishery, the Gulf of Mexico Fishery Management Council is re-

sponsible for managing red snapper in the Gulf. And I understand that the council is made up of 17 voting members, 16 of which were selected by Governors of the five Gulf States, one of which is a Federal representative. The council also includes a mix of commercial, charter boat, head boat, and private angler fishermen.

Mr. Comstock, is that correct, the composition of that council?

Mr. COMSTOCK. Yes. In general, each one of the States has a State fishery manager who sits on the board. There is a Federal representative, a single one. And then the remaining ones are allocated—each of the States has two, except, I believe, the State of Florida has three representatives.

Ms. PLASKETT. And but——

Mr. COMSTOCK. —and they're distributed amongst the various fishery representatives.

Ms. PLASKETT. Sure. But the voting members are how many?

Mr. COMSTOCK. The voting members are 11, I think.

Correct me if I'm wrong on that.

Ms. PLASKETT. Okay. Is that correct, Mr. Miller? Do you know?

Mr. MILLER. I think it is 17. I think each State has three; Florida has four.

Ms. PLASKETT. Okay.

Mr. COMSTOCK. When you add in the Federal—the fishery manager, plus the others. That gives you three.

Ms. PLASKETT. So, Mr. Brown, with 16 of the 17 voting members selected by State Governors, would you say that the Gulf of Mexico Fishery Management Council had strong State representatives?

Mr. BROWN. Yes, I would. I would say that the States are represented very well.

Ms. PLASKETT. And there has been some effort to remove the management of the snapper fisheries from this council. Do you agree with this or not agree with it? What are the benefits or, you know, the cost to doing something using regional councils to manage Federal fisheries?

Mr. BROWN. As we speak today, the snapper in the Gulf of Mexico belong to the citizens of the United States of America. They are not that which belongs to an individual or a State. And in that, we need to have a say. The Magnuson Act is the contract with America that the people that use the fish will not damage the resource. It is a brilliant document. It is the finest fisheries management document in the world. We need to keep going through the Magnuson Act.

The shortcomings and the outcomes that have been delivered to the recreational fishery are not the problem of the Magnuson Act. They are the problems of the management decisions that have been made on behalf of the recreational fishermen.

Ms. PLASKETT. The management decisions made by whom?

Mr. BROWN. By the council and the State managers who select the days.

Ms. PLASKETT. And you think that—why do you think they do that? Why do you think that that is the problem?

Mr. BROWN. Well, it's not anything specifically deliberate. You know, the management strategies that they use are called input control management.

The strategies that are used by the commercial side are considered output control.

Ms. PLASKETT. Uh-huh.

Mr. BROWN. Where they measure each fish. They weigh each fish. There's a specific output.

The input control measures are notoriously famous for delivering a wide range of results. You could have a season where the weather was incredibly good, and people fished a lot, and as a result of that, they caught a lot of fish. Or you could have a season where the days were very, very poor, and as a result, you didn't catch your limit.

So it's the method that they have adopted that has disserved them.

Ms. PLASKETT. When you say "disserved them"—excuse me, Mr. Chair—do you mean the commercial fishermen or the recreational fishermen?

Mr. BROWN. No. The methodology associated with the commercial fishery has been reliable. The input control measures that have been adopted by the various States have produced results that, from time to time, do not result in desirable outcomes.

Ms. PLASKETT. Okay. Thank you very much.

Mr. FARENTHOLD. Thank you, Ms. Plaskett.

I'll now recognize myself for 5 minutes.

Mr. Comstock, just today, NOAA announced that the next season for snapper is going to be 3 days. What happens if there's a big old honker hurricane in the Gulf on those 3 days?

Mr. COMSTOCK. Thank you, Mr. Chairman.

NOAA retains the flexibilities or—or NMFS does, actually—to readjust those openings if we encounter such a situation. And, in fact, that's occurred in the past. Where there's been really bad weather, they have been——

Mr. FARENTHOLD. Right. But we could end up with a situation, say, oh, there's really bad weather over on the Florida coast but not on the Texas coast.

So I guess my question is—and I'll start with you—is there a better way to do this than just picking an arbitrary limit of days where we could manage it better than just a microseason?

Mr. COMSTOCK. Well, I think, you highlight—and to Mr. Brown's point, the challenge when you're doing recreational fishing is you want to preserve the opportunity for people to come and fish. A lot of recreational fishermen don't make their plans that far in advance. Some live on the coast. Some travel to the coast. So the challenge for fishery managers is, if you're going to set up a system that allows people to sort of show up and fish when they will, then you have to do what's called the output management—I mean, the input, where you basically set up a bag limit, you set up something—and that does vary widely. If you have a really nice weekend and lots of people show up and lots of people are successful fishing—and that's how—you know, we're sort of victims of our own success here. It's easier to catch Gulf red snapper now than it ever was. And people are catching bigger Gulf red snapper. And the effect that then has is your poundage goes up. You have to estimate that more is being taken, and the season gets shorter.

Mr. FARENTHOLD. So isn't the logical reason that it's easier than ever to catch snapper is your program is successful, and perhaps the timeline for recovery is longer than it should be or the data that you are using or the methodology you are using to collect that data may not be giving an accurate picture of the current supply?

Mr. COMSTOCK. Those are all perfectly legitimate points. And that's exactly what the council reviews are designed to do. They do adjust their management measures and try to get it. I think the challenge we face—and you can look across the five Gulf States. They all have different seasons. They all have different regulations. So, as I said, we are the default. We're the end point. At the end of the day, NMFS looks at: What did each one of the States decide to do; how are they managing their fishery; estimates what's going to be caught from that; and then, once you subtract all those out from the available catch, under the statute, that's what we're allowed.

Mr. FARENTHOLD. But that kind of goes against some of the other testimony we've heard today, that red snapper are nonmigratory. So, if they tend to stay within the same area in which they're born, doesn't this methodology say, all right, we may be overharvesting certain areas and underharvesting other areas?

Mr. COMSTOCK. That's something that the scientists could certainly look at. Right now, it is a Gulf-wide assessment. And so, if the fishery managers were to decide, based on the science, to change that to individualized populations, that might be a solution. I can tell you this. They thought that halibut, up in Alaska, was very similar, that it stayed very resident and didn't move. They then later changed their assessment, and it's now an Alaska-wide fishery. So it does—scientists do make mistakes. They do make changes. But that's, again, exactly what the——

Mr. FARENTHOLD. All right. I'm going to give Mr. Ray an opportunity. How can we make this better while still preserving the fisheries?

Mr. RAY. Well, a number of reasons come to mind.

Texas Parks and Wildlife, and I suspect every State, manages our public trust resources to include consistent and reasonable access to the public.

This notion that the current fisheries management has that you have to count every fish is not practiced in any of the other State managements of any wildlife. And there's a trust between anglers and the States. Throughout history, NOAA has treated angling as an afterthought. And NOAA may dispute that, but I can assure you that is how recreational anglers feel.

Finally, the proof is in the water fisheries managed solely by Texas Parks and Wildlife. Against a drastically increasing population in Texas, our marine wildlife resources in Texas are thriving: shellfish, crabs, speckled trout, redfish, commercially harvested species, like flounder and croaker, are all doing fabulous because State management has the fleet-footedness to make decisions to manage those resources as they need to be managed and when they need to be managed.

Mr. FARENTHOLD. All right. Thank you very much.

I see my time has expired.

I will go to Mr. Raskin now for his 5 minutes of questions.

Mr. RASKIN. Mr. Chairman, thank you very much.

Thank you all for your testimony. I found it very interesting.

It looks like we've got the classic tragedy of the commons problem, where you've got a common-shared resource that, if everybody were left to their own individual devices and interests, then we would rapidly be depleted. So it needs to be regulated so the resource continues to be there for everybody. And I take it there has been success since this 2007 rebuilding plan was put into place.

Is that right, Mr. Comstock, that the red snapper population has rebounded? Is that right?

Mr. COMSTOCK. Yes. It's certainly come back.

Mr. RASKIN. To what would you attribute the success of the 2007 plan?

Mr. COMSTOCK. Again, to the rebuilding management that was done under the Magnuson-Stevens——

Mr. RASKIN. Which involves what specifically?

Mr. COMSTOCK. It involves reducing the catch until the stock recovers.

Mr. RASKIN. Okay. So that's the main ingredient in the plan: it's just reducing the catch and allowing the population to grow.

So all of this requires expert scientific management, presumably, monitoring and assessment of what's going on. Are members of the panel standing by the work of the scientists at NOAA in terms of analyzing the dynamics of the red snapper population?

Mr. COMSTOCK. Well, again, I think yes. We certainly support the work that the NOAA scientists have done. And I think where you're hearing the disagreement here is that there's the opportunity for other solutions. And, again, I'll just repeat what I said at the beginning. The challenge for us is we're under the Magnuson-Stevens Fishery Conservation Management Act. Congress has within its power the ability to change that and create a different dynamic for the Gulf States. That's what's been done, for example, in the Atlantic States Marine Fisheries Commission. So there are other solutions. We have to work within the structure that we've been given. So we can have disagreements all day. The States do an excellent job of managing. And we work with them all the time.

We think the NOAA scientists do a good job. And there can be disputes over some of the stock assessments and other methodologies, but the general goal is to work together to provide the best fishery management possible. We'd be the first ones to say that there are other solutions out there, and we know several of you have bills to do this. But that is exactly the challenge. We have individual States that have their right to manage, and we have NOAA. And we're trying to work together as best we can. But there certainly could be alternative solutions.

Mr. RASKIN. Is there—there's some suggestion in the various remarks of the witnesses that there's some disgruntlement about the fairness of the allocation of the fish catch between the commercial and recreational fishermen and fisherwomen. Is there something within your particular statutory authority and purview now that could be done to shift the allocation somewhat from the commercial to the recreational without lifting the overall limit and cap?

Mr. COMSTOCK. Well, the Gulf Council—and Mr. Miller may be able to speak to this—if he was on it directly—the Gulf Council re-

cently did recommend such a reallocation. Unfortunately, it was struck down by a court. So there was an attempt to shift about 2 percent of the catch, and that was not done. I don't know if the Gulf Council plans to revisit that, but they certainly have that within their authority.

Mr. RASKIN. Mr. Miller, did you want to—was that struck down as outside of the—your authority under the statute?

Mr. MILLER. I think ultimately what was decided in the court was NOAA did not have the ability or could not prove to the courts that they were accurately predicting or assessing what the recreational sector was catching. And so, until NOAA could better and more completely determine what the landings for the recreational sector was, then they were unable to change the allocation.

Mr. RASKIN. So, as a matter of administrative law, they found there wasn't a sufficient basis for the council's action. Is that right?

Mr. MILLER. Well, as with most of these topics, they're complicated. But the commercial guys have a strict regimen. They have to call in, call out. We're at the dock meeting them. We know exactly how much pounds of fish they're going to land.

The recreational sector, because I believe they're trapped in a system that cannot allow NOAA to accurately assess what their landings are, they—the Gulf Council did want to change the allocation and voted to do so. But there was no way for the council to be certain that they could, I guess, with confidence, tell them what percentage they were catching. So until they could do that, the court said you can't change it.

Mr. RASKIN. I see.

Finally—Mr. Chairman, if I could—they're not able to make a determination just based on past catches, what's taken place in prior years?

Mr. MILLER. Well, it gets back to the data, the incomplete data question. And I—NOAA has capable scientists. It's not their scientists. Any scientist given incomplete information, their confidence in what questions they're answering just is not as sure as it should be.

So what we try to do in identifying what the data gaps were, if you want to call them that, the States have taken it upon themselves to provide better information. But we're not to the point now where NOAA and the council is recognizing that better information yet. And as soon as they do, we think it's going to shed light on a lot of what has caused a lot of frustration. That's one side of it.

The other side is stock assessments, which Mr. Comstock spoke to, and about biomass and where that biomass is in the Gulf and how do you do that timely and quickly.

Mr. RASKIN. Thank you. I yield back.

Mr. FARENTHOLD. Thank you very much.

We'll now recognize the gentleman from Georgia.

Mr. SCOTT. Thank you, Mr. Chairman.

I appreciate the opportunity to be here and shed some light on this. And I fished that Gulf since I was about 5 years old, sat on the Steinhatchee Bridge with my dad up to and until the point I learned how to fish with some commercial fishermen by the last name Raffield, Captain Bill, good man. Might not have caught as many fish as Buddy Guindon in the Gulf of Mexico. But I think one

of the problems we got here is this isn't about fish; this is about money when you get right down to it.

And so the issue with the lawsuit that was brought—one of the advisory members of NOAA brought the lawsuit. And I'd like to read something from the lawsuit since you mentioned it as a common asset, and you said the fish are the people's fish.

One of the men that filed the suit, from Texas, the suit—in the suit, it says: The current management system for hired captains, such as the fishermen named in this, cannot permit their customers to fish for red snapper even in State waters when the Federal recreational fisheries close. Therefore, they are uniquely punished as the Federal season shortens.

The EDF is paying for this lawsuit, by the way. Here's from one of them's website. Let's see. Where is it?

Year-round red snapper fishing experiences.

It's about money, not about fish.

This is what—this is 1 day. My yearly allocation, any American's yearly allocation, that complies with the rules the way they're designed to be complied with, is six.

But when you sit on the board and you create a regulatory mechanism under which nobody can comply with it and you're making as much money as is being made, that's the problem here. And so a public asset has been used to create private wealth.

Would you please play the video for me?

This guy is one of the best fishermen in the Gulf. He honestly is.

[Video shown.]

Mr. SCOTT. Let's see how they do it.

[Video continues.]

Mr. SCOTT. Twenty to 30 hooks at a time.

[Video continues.]

Mr. SCOTT. Two bandits per man.

Sixty hooks a person.

[Video continues.]

Mr. SCOTT. That's my yearly allocation.

[Video continues.]

Mr. SCOTT. Eighteen fish, four pounds a piece.

[Video continues.]

Mr. SCOTT. That's mine, my dad's, my brother's, my sister's, my wife's.

[Video continues.]

Mr. SCOTT. Yep. He gets to go back the next day and catch another 15,000 pounds.

This is about money. There's black snapper in the Gulf. There's white snapper in the Gulf. There's all kinds of different snapper in the Gulf. But the red snapper is worth more per pound than any other fish. But the red snapper, to the American taxpayer, the recreational angler, is worth more per snapper caught to the American taxpayer.

So let's—I would suggest it's worth the $20 to buy the "Big Fish Texas."

Mr. Brown, I'm glad y'all are in favor of protecting the species. I hope you'll be supportive of additional national monuments in the Gulf of Mexico since we have such a shortage of red snapper that

the American family can only fish 3 days. Look forward to working to get that done.

And let me sum it up like this. I bought the whole video series so I could find out just how much money there was in it.

Mr. SCOTT. Now, these people never paid for their allotment. I want you to understand that. It's a public asset. They gave it to themselves.

The increased allocation, in and of itself—in their video, the commercial fisherman explains how his fishing company has been giving a 30-percent increase in its quota. One company got a 30-percent increase in its quota. Now, they're big; they get 20 percent of the fish in the Gulf of Mexico, generating an additional $50,000 a week in revenue.

That allocation, nobody had the opportunity to bid on that allocation. If you are the current person that has it and they increase it, you get the increase, at the exclusion of every other American.

It is a public asset, Mr. Brown; you are right. And it has created tremendous sums of wealth for a select few, the way this has been done. If it were oil or timber or any other asset, it would be auctioned off, and we would use that money to build additional habitat and resources, restore the damage that the commercial fishing industry has done to reefs, and things along those lines.

So, to his credit, he's a great fisherman. He's a great fisherman. And he's made a lot of money with it.

So I want to thank you for coming here today, and I'm going to give you a couple of suggestions.

The quota system, the individual quota system—the derby system did not work, and the IFUs will work for the commercial sector. I 100 percent believe it's better than the derby system. But that's a public fish, and if it's creating private wealth, then, by law, that access should be auctioned, not given away.

Two is acknowledge the differences in the depths of the Gulf.

Mr. Chairman, I have many—Mr. Comstock, we're going to get to know each other well. I would challenge you to go to the Gulf of Mexico and not catch a red snapper. And I would ask you one quick question: What is the difference, if the fish is dead when I bring it to the surface, if I put it in the cooler or if I throw it back overboard and feed a porpoise or a shark? Because the fish is dead when it comes to the surface.

Mr. COMSTOCK. You highlight one of the challenges of fishery management, and that is that they discourage people from catching something or not catching something when you can't control that. So it is a challenge, and I understand your point exactly.

Mr. SCOTT. Sir, respectfully, our problem is conflicts of interest and money.

Mr. FARENTHOLD. The gentleman's time has expired.

We'll now recognize the gentleman from Texas, Mr. Weber.

Mr. WEBER. Thank you, Mr. Chairman.

Mr. Miller, you're from Mississippi?

Mr. MILLER. Yes, sir.

Mr. WEBER. Okay. And give me your title again, what you do.

Mr. MILLER. I'm the executive director for the Mississippi Department of Marine Resources. And we manage all of the marine interests in State waters for Mississippi.

Mr. WEBER. Okay. And how long have you been doing that?

Mr. MILLER. For about 4 years.

Mr. WEBER. About 4 years? Okay. You have a method of tracking the snapper that has been caught in your waters. Is that right?

Mr. MILLER. We recently, 2 years ago, created an application on your smartphone called Tails n' Scales, which generates a landings permit, yes.

Mr. WEBER. Okay. Are you the first State to do that?

Mr. MILLER. We're the first State to do this specific application. Alabama has a similar, or, in concept, same, landings program. And Louisiana has also another program.

Mr. WEBER. Okay. Is that something similar to tags, or no?

Mr. MILLER. Tags are a little different, although the concept could be thought of the same. Tags would limit the amount of people that could obviously fish, because you'd have a number of tags that would be issued this year. We don't have a—the fishery is open to everyone, but you do have to register before you go fish and create that landings permit number. So we keep the fishery open in that way.

Mr. WEBER. Okay. And so there's no charge for creating the trip number, as you called it.

Mr. MILLER. No charge.

Mr. WEBER. Okay.

As I understand it—this has been kind of a new area for me I've gotten into the last 2 or 3 years, because I'm not a fisherman by history. But, as I understand it, the Federal licensing system was put together in 1998. Is that you all's understanding? Or thereabouts.

Anybody? Any historians? Nobody remembers?

Mr. Comstock, how long have you been in your job?

Mr. COMSTOCK. Well, I've been in this job since January, but I've been working on fisheries issues since 1985.

Mr. WEBER. 1985, okay.

Anybody know when the Federal licenses were created for the red snapper commercial sector?

Mr. COMSTOCK. Well, in 1996 was really when there was a section added to the Magnuson-Stevens Act specifically to address Gulf red snapper. And that's what led to the division between the commercial and recreational sector. So sometime in the mid to late 1990s, I would hazard, is probably the right date.

Mr. WEBER. At that point, when those licensing—that procedure was created, how did someone get a Federal license?

Mr. COMSTOCK. I think the complication that's a challenge here is for commercial fishing it's regulated differently than recreational fishing.

Mr. WEBER. Well, that's what I'm talking about, the commercial fishing license.

Mr. COMSTOCK. Well, for——

Mr. WEBER. Not the charter boat captains.

Mr. COMSTOCK. —commercial fishing licenses—commercial fishing has been regulated, frankly, since the original Fishery Conservation and Management Act came in, in many cases, so that's back in 1976. But in terms of the individual fishing quota system that's being referred to here and for the commercials—this is where

each individual fisherman got an allocation—that varies by fishery as to when those were set up. I don't know the exact date for red snapper, but we certainly could——

Mr. WEBER. Is that something you can get to my office?

Mr. COMSTOCK. Absolutely.

Mr. WEBER. Okay.

We have a—"mandatory" is probably not the right word. Based on science, we have 3 days' fishing season for rec guys this season. We would all laugh and say that's ridiculous, my good friend here, Mr. Scott, has pointed out, because when you go pull red snapper up, they're dead for all practical purposes anyway. So you're actually hurting, I think, the ability to help keep the fishery. Because if you could take those fish with you, you're through. And perhaps smarter people than me figure out that there's actually less red snapper taken like that than those that are thrown back in. That's just the result of me being out there a couple of times, making that observation.

Is there anything, in your opinion—I want to go to all four of you. If we just doubled the recreational guys' season today from 3 to 6, would that have a huge impact, Mr. Comstock? A huge negative impact?

Mr. COMSTOCK. Well, again, the Federal allocation accounts for a relatively small portion of this. That's part of the reason it's down to 3 days. So some of the States—I think it may be Texas that's, in fact, open year-round. So that's why it's a little hard to say double. If you doubled the Federal piece, you would go over by some amount over the bycatch—I mean, over the total allowable catch. But I'd have to get back to you with the exact numbers.

Mr. WEBER. Okay.

I mean, just 3 days, Mr. Miller. Any objection to doubling it, adding 3 days to the season?

Mr. MILLER. No, we would not object to that.

Mr. WEBER. Mr. Brown?

Mr. BROWN. By some small degree, you would delay the recovery of snapper. That's all there is to it.

Mr. WEBER. Mr. Ray?

So you think it'd have a minimal impact, but——

Mr. BROWN. I don't think it would be a huge impact.

Mr. WEBER. Okay. So that's not accounting for all those that are thrown back dead because people catch them anyway. There's no way to really account for that, is there? And so that really doesn't matter unless you happen to be the fish.

Mr. BROWN. You know, in other fisheries, the managers account for seasons that are very limiting, in consideration of noncompliance. With striped bass, when they ratchet down the season, they assume there's a higher rate of noncompliance. That drives the numbers up.

Mr. WEBER. Okay. I'm running out of time.

Thank you for your indulgence, Mr. Chairman.

Mr. Ray, 3 more days?

Mr. RAY. Recreational fishermen would welcome any more days. We have a year-round harvest in the State waters of Texas. Parks and Wildlife manages that. It's a robust fishery. We've seen no in-

dication of any decline there. And the real territory of that fish is outside of the State waters.

Mr. WEBER. Okay.

Thank you, Mr. Chairman. I yield back.

Mr. FARENTHOLD. Thank you very much.

And we'll now recognize Mr. Byrne.

Mr. BYRNE. Thank you, gentlemen. I'm Bradley Byrne. I represent the Gulf Coast of Alabama, which got about the worst news we could've gotten today. A 3-day season is a slap in the face to thousands of my constituents, who have grown up and their families have spent their whole lives fishing for snapper in the Gulf of Mexico. They're out there a lot, and they tell me—and occasionally I get to get out, not much in my new job—you can't put a hook in the water without getting a snapper.

And we have had representatives of the National Marine Fisheries Service before the Natural Resources Committee who have admitted under oath that they're not sampling for snapper on reefs. That's crazy. And that's why we've got the crazy statistics we've got.

Mr. Miller, you were gracious enough to provide to my office a slide that shows what you've done with your Tails n' Scales program and the actual data you've collected regarding the catch off Mississippi, in those waters, and what the Federal Government shows. The Federal Government shows you all caught no snapper. Wow. That's pretty remarkable. On the other hand, you show that you all caught, I think it's 40,000 pounds.

Now, come on. How could the Federal Government say you caught zero? We know your folks were out there fishing. And the fish aren't just all going magically to Alabama, by the way, to be caught. How does this happen?

Mr. MILLER. Thank you, Representative Byrne.

You're right, we did provide you information. And Alabama had a similar—or illustration of a similar data comparison. And Mississippi, in 2015, given the data provided to NOAA, which I think everybody agrees is incomplete, it was determined that Mississippi had caught zero red snapper. By our own Tails n' Scales app, we had accurately, we believe accurately, estimated around 40,000 pounds. In Alabama, the opposite happened. NOAA had determined that Alabama had landed, I think, over a million pounds, and, in reality, their own application or program had said they landed closer to 600,000 pounds.

So I think there's consensus among States and even folks at NOAA that the data being used to determine landings and catch effort can be much better. The States have taken it upon themselves to develop their own apps, their own landings data programs, and the sooner NOAA will recognize that and use that as part of their system of season links, we think the better.

Mr. BYRNE. I have introduced legislation in the past that would remove stock assessment and data collection responsibilities away from NOAA completely and give it to the Gulf States Marine Fishery Commission.

And I've got to thank the chairman of our House Natural Resources Committee, Rob Bishop, for his support in making sure that language is already in this year's version of Magnuson-Ste-

vens Reauthorization Act introduced by Representative Don Young. So we're trying to do something here. But we've got to get it through two houses of Congress, not just the House. We've got to get it through the Senate.

Mr. Ray, as you heard, I'm a recreational fisherman. I grew up my whole life, never, ever had an issue with this, frankly, until the last few years. We like to go out and just have fun. Sometimes we catch fish; sometimes we don't. You know, there's a difference between going fishing and catching fish sometimes.

Obviously, this is a very important issue. It's for people that just want to do recreational angling. But I'm having a hard time convincing some people that there's also an economic impact here. Those of us that go fishing, we buy fuel, we buy bait, we pay for our licenses. Some of us travel, so we have to have condos or hotel rooms that we stay in.

Do you have any information for us on what the economic impact is from recreational fishermen just in this market?

Mr. RAY. I don't have with me, off the tip of my tongue, any empirical data like that. We can certainly provide it to your office. I'm a volunteer and not a——

Mr. BYRNE. Right.

Mr. RAY. —statistician or an economist.

Mr. BYRNE. But you'd agree it'd be considerable.

Mr. RAY. It's very—well, I mean, it's the same thing—somebody in Ohio can go buy red snapper for $12, $15, $18 a pound. If you want to catch a red snapper, you've got a $60,000 to $100,000 boat and gasoline and bait and fuel and time and travel and all of those things to access a public resource that we're just locked out of, for all practical purposes.

Mr. BYRNE. Mr. Chairman, I appreciate being included. I can tell you that my constituents are outraged. And something is going to have to be done; this cannot continue. And I just appreciate your giving me some time to be here today.

Thank you, gentlemen.

Mr. FARENTHOLD. I appreciate it.

And I think we've all got a few more questions. If the panel will indulge us, we'll go through a quick second round. I am going to hold people to the 5-minute limit here so we stay within reason.

And we've heard—and I'm going to recognize myself first. Then we'll go to Ms. Plaskett and then Mr. Raskin. The committee rules say we do committee members before we do folks we've UC'd in. So it'll be me, the two minority members, and then we'll come back to Mr. Scott and Mr. Weber, assuming Mr. Graves doesn't return.

So we've heard a lot of testimony here about the problems with the system. I think it'd be very hard to disagree with the fact that a 3-day recreational season for snapper is ludicrous. So what are the solutions? To me, it appears we need to, A, look at the science, because I don't think we have good science; and I think we need to look at the law.

And I'm going to go down and ask each member to take roughly a minute and a half and tell me what they would do to fix this, whether it's legislatively or in procedures that are done at the States or within our agencies.

Mr. Comstock?

Mr. COMSTOCK. I thank you, Mr. Chairman.

We'll follow up with Congressman Byrne, but just for the record, according to information that NMFS has, there's no question that anglers contribute quite a bit. They were estimated to contribute $75 million to the gross domestic product. They generated about $130 million in business sales. And they spent about $54 million, supporting 984 jobs. So it's a significant industry. There's no question about that.

In terms of solutions, we would absolutely welcome working with this committee and look forward to working with members of this committee and other Members of Congress on finding solutions.

I think the proposals that you've heard and the efforts the States have made is something that—I can certainly say the new administration will be working much more closely with the States, trying to integrate that information——

Mr. FARENTHOLD. That's particularly the data from the apps and——

Mr. COMSTOCK. Absolutely. There's no reason not to use new technology to do everything we can. Because, obviously, the more precise the catch data is, the better the fishery management will be.

In terms of the stock assessments, that's, again, something we'll be looking at, we'll be working with folks. I hear loud and clear the concern.

Mr. FARENTHOLD. Is that something that our universities might be able to help with as well?

Mr. COMSTOCK. They already are. In fact, there's funding, I believe, in the current fiscal year 2017 bill that will be going forward to do some additional work through that. And we do work closely with the universities.

And last but not least, as I said, there's a number of legislative proposals. The administration has not taken a position on any of them yet, but we are more than happy to sit down and walk through with people how they might be implemented. The challenge here is that you have five States and a Federal entity that all have to work together.

Mr. FARENTHOLD. Mr. Miller?

Mr. MILLER. I think recognizing the State systems, what they've come up with to collect better information, which I think NOAA also agrees is better information. The sooner they can work to allow that to inform the decisions, I think that's positive.

And on the stock assessment side, you know, the Southeast Science Center, which is responsible for stock assessments in the Gulf, just looking at the numbers from this science center compared to others in the country—and this may be an unfair statement, but I don't know how else to put it—that they just need to generate more. And I know it's a funding and a resource issue for them, but NOAA needs to do a better job of giving them what they need to answer these questions faster. The States, just like any other government, has to do more with less. And this is a top priority.

Mr. FARENTHOLD. All right.

Mr. Brown?

Mr. BROWN. Thank you.

You know, one of the things that I haven't heard mentioned today was the States' ability to generate biological equivalency fisheries that would allow them greater access to Federal waters in exchange for fewer days in State waters. If the larger fish that are offshore are more desirable, then there is a way for that to be worked out. The scientists and the managers can do that.

To the point that the fisheries need to be monitored better, it is always to the advantage of the fishermen to make sure that scientists are completely aware of what they are catching, to the greatest extent possible. NOAA scientists tell me all the time: If you want more fish, show me more fish.

You know, the snapper issue is complicated by the fact that they are such a long-lived species. And, oftentimes, it is very easy for fishermen to assume simply a lot of fish means a recovered stock. A recovered stock in a fish that lives as long as a snapper will require that you have significant numbers of fish that are at the big end of their scale.

Mr. FARENTHOLD. What is the lifespan of a snapper?

Mr. BROWN. I believe that they live—judging by the management plan, they must live 30 or 40 years.

Mr. FARENTHOLD. All right.

And let's give Mr. Ray a chance before I run out of time.

Mr. RAY. Yeah, I'm going to go back to this notion that the States can just do a better job. Texas Parks and Wildlife and every State has been able to manage their resources better. Throughout its history, NOAA has treated angling as an afterthought, and the States listen to recreational anglers and commercial fishermen alike. And the States use university-based and department-based science to make those decisions, and they make them in a fleet-footed, immediate manner.

Mr. FARENTHOLD. Thank you very much.

Ms. Plaskett, do you have some more questions?

Mr. Raskin?

Mr. RASKIN. Forgive me, because I'm such a novice to the issue, and so I'm still trying to figure the whole thing out and the different levels of authority. But the 3-day rule has been imposed by whom?

Mr. COMSTOCK. That applies in Federal waters, so it would be, in general, beyond 9 miles in the Gulf of Alaska right now. And so it's imposed by the National Marine Fisheries Service.

Mr. RASKIN. The Marine Fisheries Service, okay. And it doesn't apply directly to the States? The States, do they follow that rule, or do they do their own thing?

Mr. COMSTOCK. No, the States set their own regulations and days. So it varies from—as you heard, the gentleman from Texas, Mr. Ray, said, they're open 365 days a year. Other States have shorter limits, I think, down to about 60 days.

Mr. FARENTHOLD. It's geographic.

Mr. RASKIN. Gotcha. Gotcha.

So the outrage that I understand that exists in Mississippi and Alabama among recreational fishermen and people who have, you know, been doing it their whole lives and want to go ahead and do it follows from the 3-day rule in the Federal waters.

What is the basis for that 3-day rule, given the widespread availability of the red snapper and the fact that the commercial fisherpeople are doing so well?

Mr. COMSTOCK. Well, again, the Gulf Council divvies the fish up first between recreational and commercial. So there's divisions, so the activities—or the commercial guys are sort of set aside.

Mr. RASKIN. Well, what's the current allocation there?

Mr. COMSTOCK. It's 51–49, in favor of the commercial sector.

Mr. RASKIN. Okay.

Mr. COMSTOCK. So the challenge is that Gulf snapper live long and they also like deep water. And so, depending on the topography of the Gulf of Mexico, you may find yourself having to fish further than 9 miles offshore if you want to go after Gulf snapper.

So that's why you see the focus on what is the Federal limit. Because you may have 365 days off your neck of the woods in Texas, but if that's not deep water, then you may not find a lot of red snapper.

Mr. RASKIN. But the 3-day rule is meant to be a means to arrive at the end of no more than 49 percent of——

Mr. COMSTOCK. They take a pie——

Mr. RASKIN. Yeah.

Mr. COMSTOCK. —and there's so much available. Then they estimate what they think is going to be caught in each one of the States. The remainder is then what's available for the Federal fishery. And then they estimate how much effort they think there will be, how much that will be caught for two fish, or basically six fish total, per angler, and then they make an estimate.

Mr. RASKIN. But when we look at the video footage that Congressman Scott offered us of, you know, the very successful, industrial-style fishermen——

Mr. COMSTOCK. That was a commercial fisherman.

Mr. RASKIN. Those are commercial fishermen.

Mr. COMSTOCK. Yes.

Mr. RASKIN. Essentially, we are being told that you need to limit the recreational population to 3 days in order to stay within 49 percent even though the commercial people are out there bringing in huge catch. But is it just because there are so many recreational fishermen out there?

Mr. COMSTOCK. It's the numbers of recreational fishermen. But, also, you need to keep in mind, with the commercial catch, they literally regulate down to the pound. You get a quota. You, Congressman Raskin, get 15,000 pounds of fish. That's what you're allowed to fish. You can fish it when you want to, but it is very carefully monitored. So it really is a completely different animal.

Mr. RASKIN. I see.

Mr. COMSTOCK. On the recreational side, the challenge——

Mr. RASKIN. The recreational catch fluctuates more. It's much more guesswork.

Mr. COMSTOCK. Sure, because some people catch a 4-pound fish, some people catch an 8-pound fish.

Mr. RASKIN. Yeah.

Mr. COMSTOCK. You're just having to take averages.

Mr. RASKIN. And then, in hindsight, are they able to determine what the actual allocation was, like, last year between the commer-

cial and the recreational? I mean, was it really 51–49, or was it 70–30? Is there some way to know?

Mr. COMSTOCK. They walk back the evaluations to see how close they are. And, in fact, some of the adjustment this year reflects an estimated overage by the recreational sector last year, so that's deducted from their allocation this year.

Mr. RASKIN. Is the 51–49 split statutory, or is that a regulation?

Mr. COMSTOCK. That was set by the council.

Mr. RASKIN. Set by the council, okay, whose membership is dominated by the States. The Governors appoint most of the members, right?

So would it be correct to intuit that the council is dominated by the commercial fisher interests as opposed to the recreational? No?

Mr. COMSTOCK. I'd defer to Mr. Miller, who's on the council.

Mr. MILLER. The five State managers have a seat on the council. There is representation for commercial sector and then other recreational sectors, but there's pretty good balance on the council.

Mr. RASKIN. Okay.

I thank you, Mr. Chair. I yield back.

Mr. FARENTHOLD. Thank you very much.

We'll now recognize Mr. Scott.

Mr. SCOTT. Thank you, Mr. Chairman.

There was good balance on the council until you had sector separation. And so the council typically doesn't vote based on which State they're from; they're based on which industry they represent. So the commercial guys from Florida are going to vote with the commercial guys from Texas, are going to vote with the commercial guys from Alabama. But the recreational guys are together.

The difference has been that the National Marine Fisheries Service guy has effectively always been the tie breaker, and I say, well, he always votes for the commercial guys. And to their credit, Sam Rauch said, no, he doesn't, he abstained one time.

And I don't necessarily blame the charter boat guys for this, but when they got pushed down to a season where they couldn't even pay their bills, then they separated the sector so that they could get a longer season.

And so, now, as long as the commercial guys and the four higher recreational guys, the charter boat guys vote together, the guy who just wants to take his kid fishing and not have to pay somebody to do it is out of luck. You're down to the 3 days.

That 3 days, by the way, gets blamed on the States a lot. But the fact of the matter is, Mr. Miller, as I understand it from Nick Wiley from Florida—and I know Spud from Georgia too. I trust you all. Susan Shipman was the marine biologist in Georgia beforehand. If Susan told me we needed to shut the fishery down, I'd say, Susan, I respect you, I trust your science, I gotcha.

But my understanding is that you all all agreed on what the season would be, and we had one season, State and Federal; it would be 15 days. Is that correct?

Mr. MILLER. There has been a few numbers kicked around, but I think that's consistent with what has been talked about.

Mr. SCOTT. So 15, 16, 17, maybe 20 at the outside. So it's not really fair to blame the States, when the States only did what they

had to do so that they could—I mean, the mom-and-pop that's out there with a small bait store has got to have a season.

So, Mr. Comstock, I appreciate you mentioning the depth. So why don't we just give the States total control to the—say, the 35. That would give you 180 feet.

Mr. COMSTOCK. Certainly, if that's what the Congress would like to do, they're more than welcome to do it.

Mr. SCOTT. Well, see, the problem is the money. The problem's the money, not the money that Congress has, but the money that the people that are making the money off the current system have. And I would appreciate your help in looking at that.

But there's no difference—and I again want to reiterate to my colleagues, the fish is dead. The fish is dead. You're fishing for grouper on the same spot you're fishing for snapper.

Is that an accurate description, Mr. Ray? The fish is dead; you just can't bring him home?

Mr. RAY. They're very difficult to revive when they've been pulled up from deep water.

Mr. SCOTT. And so I'd just like to make the point that, while they blame it on the States, the way it is being run, the recreational angler would only have around a 15-day season if the States had not done what they did to at least give us a chance.

And, by the way, they picked the 15 days. It's not like you look at your calendar and say, I've got 15 days, I'm going to go hunt or fish this year. They pick the 15 days, and if your calendar doesn't work in it, that's just too bad.

So, with that, I will yield the remainder of my time. But I look forward to the support of the seafood harvesters and the creation of the additional sanctuaries where we won't allow commercial fishing in the Gulf.

Mr. FARENTHOLD. And we'll now recognize the gentleman from Texas.

Mr. WEBER. Thank you, Mr. Chairman. He yielded me a minute, so I've got 6 minutes.

Guys, how do we get—well, let me back up. Thank you for bringing up the depth. The Texas Gulf Coast, Galveston, where I'm from, it drops off very slowly. So you've got to go out about, I don't know, 50 miles, 60 miles. And I think it was you, Mr. Ray, who said a boat invested in $60,000 to $100,000. A lot of the ones I've seen are even more than that. And so they've got really quite an investment, our rec fishing guys do.

How do we get them more days? Mr. Scott makes a great point. We all understand that you pull up those fish twice and they're dead. Do we relax that regulation? Do we say, look, you're going to count that in your quota? Can they do that whenever they're out there?

Because I've been fishing out there, and, like Austin said here, about every other fish you pull up is a red snapper when you get about 70 miles out from Galveston. So do we relax that so our rec fishermen get more red snapper on different days?

How do we get them more days? Help me get the rec guys more days.

Mr. Comstock, you've got about 30 seconds.

Mr. COMSTOCK. Well, obviously, what I can say is we'll commit to looking further into it and see what options might be available.

To the extent the fish are coming up dead, proper fishery science would say that you have to put that calculation in in your assessments. So there is an accounting for that. And we can certainly take another look and see if there are other ways we can do this.

Mr. WEBER. Okay.

Mr. Miller, you seem to have the most experience at this.

Mr. MILLER. Well, we haven't mentioned the word, although we've talked around it, but "regional management" is one concept that each of the State directors have talked about for at least a few years, basically give the authority over to the States to do their own stock assessments, which will allow them to assess their own biomass——

Mr. WEBER. And report to who?

Mr. MILLER. Well, we would still be operating under Magnuson, to some degree. It would not include the commercial fishery, at least as we've discussed it. It would just be for the private recreational anglers. And it would give them what they want, which is more opportunities, more days——

Mr. WEBER. More accurate data.

Mr. MILLER. And we would have more accurate data, we believe. We've got a capable staff and capable universities to help us do that. We do that for State fisheries.

Mr. WEBER. That would get our rec guys more days, in your estimation.

Mr. MILLER. It would.

Mr. WEBER. Okay.

Mr. Brown?

Mr. BROWN. You know, the recreational fishery is engaged in a derby-style fishery. The State sets the season, and, like you pointed out, sir, if it doesn't line up with your vacation schedule, you're out of luck.

Mr. WEBER. But it doesn't work, Mr. Brown, in my district, because you don't get out—Texas State waters 9 miles from Galveston is like, I don't know, unless you're in the channel, it's not even 40-something-feet deep. So we've got to really get out there. My rec guys need more days out in Federal waters. How do we do that in Federal waters?

Mr. BROWN. Well, adopt accountability as your savior. Quit going over the limits as a recreational fishery, get to rebuild quicker, and decouple the allocation of time from a season. If you simply allow fishermen to fish tags or at their leisure, then if you have a 20-day season, not everyone fishes simultaneously. You can break it down. People can fish so it does fit into their weekend.

Mr. WEBER. Okay. I need to move on. Thank you. But I think you said a dirty word.

Did he, Mr. Ray, when he said "tags"?

Mr. RAY. Yeah. You know, if you took the recreational allocation and made tags, I think it comes up to something like 400,000 tags, some number like that, for an allocation. So that would mean that every licensed angler wouldn't even have access to a tag.

Mr. WEBER. A tag.

Mr. RAY. So that argument fails on its face.

Mr. WEBER. So how do we get our rec guys more snapper? Do we relax the provision that if you pull one up dead it can be in whatever timeframe? Because the fish is dead, right?

Mr. RAY. Yeah. You know, I'll just go back to the one cure, and that's a legislative cure. And it's not a new notion. The Atlantic States Marine Fisheries Commission was given the power to manage striped bass out to—I can't—it's hundreds of miles, I believe, but I don't remember the number. But that has been a tremendous success for both commercial and recreational fisheries in the Atlantic on a stock of fish that was in terrible shape when it was enacted.

Mr. WEBER. What year was that?

Mr. RAY. Does somebody here——

Mr. COMSTOCK. 1993.

Mr. WEBER. 1993.

Well, I'm running out of time, and so, very quickly, I filed a bill—some of you alluded to the bills we had filed—to get our rec fishermen 62 days—2 months, one congressional session, July and August, consecutive months. Because in Galveston, Texas, off the Texas Gulf Coast, where most of ours fish, they need that.

Now, you know, don't tell anybody, this is secret, but I'm willing to negotiate that down a little bit, just between us.

Mr. SCOTT. You're going to lose votes.

Mr. WEBER. And Austin says I'm going to lose votes. He wants to keep it at 62 days, and I agree. And I agree.

So we could increase for one congressional season just until we get everybody to the table to work on the kind of arrangement you're talking about, Mr. Ray, in implementing what Mr. Miller has laid out as Mississippi's way to account for the data. If we could get everybody to the table in one congressional season, we wouldn't just totally annihilate the fishery if we gave rec fishing guys 30 or 40 days.

So that's my goal, is to give them more days so that they can actually partake of this thing. Let them have a lot of money invested in it. Somebody pointed out the amount of money that it puts in the economy.

So, Mr. Chairman, I'm going to thank you for your indulgence, and I'm going to yield back.

Mr. FARENTHOLD. Thank you very much.

And I think we've shown that there is still a lot of work to be done on this. I look forward to continuing to work on it. I suspect our other committees in Congress will be working on it as well.

And I'd like to thank our witnesses for taking time to appear before us today.

If there's no other business before the subcommittee, without objection, the subcommittee stands adjourned.

[Whereupon, at 4:22 p.m., the subcommittee was adjourned.]

APPENDIX

MATERIAL SUBMITTED FOR THE HEARING RECORD

Opening Statement
Chairman Blake Farenthold
"Examining the Management of Red Snapper Fishing in the Gulf of Mexico."
Tuesday, May 2, 2017

Good afternoon. Today the Subcommittee on the Interior, Energy and Environment will examine the management of red snapper in the Gulf of Mexico. Red snapper is an essential, yet controversial, resource for the Gulf States. Today, we will explore some of the ongoing issues related to red snapper fishing as well as potential solutions to these problems. We will also look at the science and data collection associated with managing snapper and take a look at how the National Oceanic and Atmospheric Administration, or NOAA, is doing.

The most significant regulations of red snapper fishing first occurred in the 1980s and 1990s in an effort to conserve a dwindling snapper population. While a significant recovery has been made overall, the conservation efforts created snapper quotas and ratios that must be shared among the red snapper fishing sectors.

Like many Americans, I am a supporter of conserving our environment and natural resources. There is no doubt we have a responsibility to combat the overfishing of red snapper and other species. However,

we need to ask if the population data that is being used to determine the fishing quotas is accurate and if we are using sound science. Unfortunately, the answer here may be no. If it were yes, there would not be such large discrepancies between the federal government and Gulf States over catch shares, season lengths, and snapper ratios.

The quality of data, from collection to interpretation, drives red snapper regulation and industry along the Gulf Coast. Relying on inconsistent data for the red snapper population continues to drive potential restrictions on commercial, charter, and the recreational fishing in the Gulf of Mexico.

The federal government has continuously struggled with managing red snapper in a fair and consistent manner. In the last few years, NOAA has published rules regarding catch estimates that have seemingly see-sawed between favoring commercial anglers' interests and recreational anglers' interests.

The federal government should not be in the business of picking winners and losers. Unfortunately, though, this appears to be happening with red snapper fishing. An example is from 2007, when the Gulf of Mexico Fishery

Management Council implemented an individual fishing quota, or a catch-share program, for commercial anglers. The program was designed to provide a steady, year round, supply of red snapper that was within the federal quota. Unfortunately, less than 100 commercial anglers were allotted shares. This has resulted in a reduction of roughly 800 commercial anglers over the last decade, leaving less than 400 today. Of these 400, 50 "own" approximately 80% of the commercial fishery.

We also face extremely short recreational seasons that can all but deny folks access to snapper fishing, should the weather turn bad or other circumstances arise. Some of my fondest childhood and teenage memories involve fishing, and making sure future generations can enjoy this experience is important.

Despite these problems, I am hopeful that we can pinpoint solutions that are both, fair and beneficial, for all parties involved in red snapper fishing. I look forward to hearing suggestions from our panel today.

Brad Gentner the economist that we engage, pre Brad prepared the attached report based on NMFS own recreational survey numbers. These are 2016 trip estimates, except for Louisiana as we had to go back to 2013 when they were still reporting them. We don't have estimates for Texas as they are not available on the MRIP web page. Expenditure estimates come from the 2011 NMFS survey - new survey results are due any day now. Directed effort is defined as trips catching or targeting red snapper.

Basically, nearly 1 million red snapper trips were taken generating $122.8 million in spending. That supported 1,828 jobs and generated $225.8 million in total sales and $87.9 million in labor income. Because Texas is not included, these are lower bound estimates. While we can't separate out durable good expenditures for red snapper, Gulf wide anglers spent more than $9 billion dollars on durable goods according to the NOAA Fisheries Economics of the United States 2015 report.

I hope this answers the question but if not please let me know and we'll go back to the well.

Year	State	Fishing Mode	Red Snapper Trips	Total	Output	Employment	Income
2016	ALABAMA	CHARTER BOAT	53,572	$26,144,529	$63,410,007	462	$24,777,834
		PRIVATE/RENTAL BOAT	234,450	$13,655,540	$30,643,521	179	$8,782,886
2016	FLORIDA	CHARTER BOAT	126,327	$54,035,869	$94,357,785	861	$41,307,289
		PRIVATE/RENTAL BOAT	443,524	$19,266,239	$24,326,694	218	$7,997,261
2013	LOUISIANA	CHARTER BOAT	12,321	$4,111,197	$6,377,942	51	$3,020,351
		PRIVATE/RENTAL BOAT	56,794	$3,564,732	$4,550,462	36	$1,267,883
2016	MISSISSIPP	CHARTER BOAT	1,470	$426,047	$621,722	6	$300,958
		PRIVATE/RENTAL BOAT	37,237	$1,561,831	$1,391,048	14	$401,828
		Total	**965,695**	**$122,765,985**	**$225,679,180**	**1,828**	**$87,856,290**

No response received for the following questions:

Questions for Mr. Earl Comstock
Director
Office of Policy and Strategic Planning
U.S. Department of Commerce

Questions for the Record from Rep. Garret Graves (LA-06)

1. Recently, NOAA announced that the federal recreational season for red snapper in the Gulf of Mexico will be three (3) days this year. What is the agency doing to fix this?

2. I recently sent a letter to Secretary Ross requesting that he direct NMFS to certify existing state programs. In what ways is NMFS currently working toward certifying these programs?

3. Currently, red snapper mortality resulting from removal of offshore rigs is not counted against the total allowable catch nor is it counted toward the total quota in the Gulf. Wouldn't you consider this to be a waste of a natural resource? If so, what are some potential legislative or regulatory changes that will improve federal management to produce a better balance between recreational and commercial fishermen?

4. Gulf of Mexico states including Louisiana, Florida, Mississippi and Alabama have all worked to develop management programs that collect harvest and effort data for recreational and charter fishing that by all measures are capturing much more accurate information than the federal MRIP program, which has been widely criticized for not being able to produce timely and accurate enough information to manage recreational fishing. MRIP struggles especially when trying to gather accurate and timely information for fish like red snapper, amberjack and other reef fish that are at the heart of angler frustration and distrust of federal management. NOAA Fisheries staff have been evaluating programs like Louisiana's LACREEL program for years, yet there has been no formal move to certify the more precise and more trusted data being collected by the states. Why has it taken so long for this information to be accepted by federal managers? Why is NOAA so committed to an MRIP system that is ill-equipped to manage reef fish and other offshore species in a timely manner when there are other, more precise options available that have been developed by the states, in some cases, with money provided by anglers? How open will NOAA Fisheries be in the future to accepting more accurate data that anglers are willing to provide using information gathered from smartphones and increased and more precise survey methods?

5. The ongoing challenges with red snapper in the Gulf of Mexico begins with acknowledging that the current "one size-fits-all" solution is not working. Habitat, effort, accessibility, weather and many other factors impact how a fishery should be managed and they all vary wildly from the Florida Keys to Brownsville, Texas. At the same time, red snapper is a species with high site-fidelity – they do not migrate north to south or east to west as a matter of course. The potential is there to allow each state to manage its fishery on a much more fine-tuned scale, according to local tradition and practice to meet specific needs and challenges. Give the states greater responsibility to manage the fishery off its shores in a way that best serves the health of the fishery and the ability of the public to access it. This is not a new or untested idea – this type of state management has very successfully been employed to recover and manage other fish. President Trump has made state management a priority in several federal policies already. Do you agree that states should be given greater responsibility in managing red snapper in the Gulf of Mexico?

6. Arguments have been made that the recovery of Gulf of Mexico red snapper coincided with and is due to the implementation of the commercial IFQ program in 2006. However, according to NOAA's own data, commercial landings were under quota for the entire decade before IFQs were implemented (see attached chart). The only significant impact the IFQ program has had is a dramatic reduction in the number of commercial harvesters; it had no impact on NOAA's ability to control commercial landings. It appears that the only meaningful change in the management of red snapper during the entirety of federal management is the significant reduction in juvenile red snapper mortality in shrimp trawls. In 2006, Coastal Conservation Association won a lawsuit forcing NOAA Fisheries to reduce juvenile red snapper mortality in shrimp trawls by 74 percent. That judgement was rendered moot by the hurricane season of 2005, which resulted in the destruction of most of the Gulf of Mexico shrimp fleet. Overall shrimping effort decreased by more than 80 percent that year and is still down roughly 70 percent from pre-2005 levels. With this in mind, would you agree that the benefits of the commercial red snapper IFQ program have been oversold and that this privatization program should be re-evaluated to determine if the cost of the program is worth the results?

6(a). As a follow-up to the question above, NOAA Fisheries commissioned an economic study in 2009 that examined the present and future economic benefits of this country's reef fish fishery in the Gulf of Mexico, of which red snapper is a significant component. That study, conducted by Wade Griffin and Richard Woodward in the Agricultural Economics Department at Texas A&M University, was funded by NOAA to examine the stream of economic benefits from all sectors in the Gulf shrimp and reef fish fisheries. The study found that more than three quarters of all the value to be had from those fisheries from 2009 to 2032 resided in the private recreational angling sector which was projected to generate $9.1 billion over that time, compared to $1.6 billion by the shrimp industry, $.83 billion by the recreational charter/for-hire industry, and $.27 billion by the commercial sector. Given that analysis, which was paid for by NOAA Fisheries, can you help me understand why NOAA Fisheries has seen fit to vigorously pursue policies that stand to privatize almost three quarters of the entire red snapper fishery in the two least economically valuable sectors? Can you explain why the agency would fund such an analysis, apparently choose to ignore it, and pursue policies that have resulted in giving the most economically valuable segment of the fishery the shortest red snapper season in history?

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